

DELEGATED REPORT

Report by Claire Booth	Date of report: 24/06/2026	Ref: 73152/FUL
Registration: 30/04/2026	LDfC: 15/06/2026	Expiry Date: 25/06/2026
Site Visit: 19/05/2026	Site Notice: 19/05/2026	Press Date: 21/05/2026
13:50:00		
Objections: 0	Con Area: BURY	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of pergola 4m x 3m, height 2.5m to side elevation

Location: Wolstenholme House, 4 Tenterden Street, Bury, BL9 0EG

Description

This application relates to a detached traditional stone built, garden frontage, property sited within Bury Town Centre and the Town Centre Conservation Area that is located on the corner of Tenterden Street and Back Manchester Road. The property is known as Wolstenholme House. It is currently occupied by Bury Blind Society.

A yard used for car parking exists to the rear of the property. This is accessed from Back Tenterden Street, that is accessed from St Mary's Place and Back Manchester Road

The property has an external amenity area to the north eastern side of the property that faces Tenterden Street and is enclosed from the rear car parking area by a high wall, which has gates in it to allow users of the building access to the car parking area at the rear of the building. This wall is attached to the gable of the application site and no. 6 Tenterden Street, a bay window fronted terraced property that forms the south-eastern end of a terrace row 5 properties (nos. 6-14 (even)), that also front Tenterden Street.

Within the side/ front amenity area, planning permission is sought for the erection of an aluminium pergola finished in anthracite grey on the land to the side of the building. It would have a floor area of 4m x 3m and a height of 2.5m. It would be sited centrally between the arched openings within the rear wall enclosing the amenity area.

The property is highly visible from Jubilee Way and the major road junction of Manchester Road with Angouleme Way and Jubilee Way.

Relevant Planning History

53652 - Certificate of lawfulness for the existing use of the building as offices (Class B1) - Lawful Development, 21/02/2011

53949 - Replacement windows; Fence and gates to front - Approved with Conditions, 24/06/2011

62968 - 1 No. replacement non-illuminated sign - Approved with Conditions, 30/08/2018

Publicity

Press Notice - 21/05/2026

Site Notice: 19/05/2026

Neighbour Letters - 13/05/2026

No representations have been received during this application.

Statutory/Non-Statutory Consultations
Conservation Officer - No objections.

Traffic Section - No objections.

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
CF1/1	Location of New Community Facilities
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-P1	Sustainable Places
JP-P2	Heritage
JP-P6	Health
JP-S2	Carbon and Energy
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Permission in Principle

UDP Policy CF1/1 'Location of New Community Facilities' states that such proposals for new and improved community facilities will be considered with regard to impact on residential amenity and the local environment; traffic generation and car parking provision; the scale and size of the development; if the use is intended to serve a local community, or catchment area, the suitability of the chosen location in relation to that community or catchment area; accessibility by public and private transport; and - particularly important in this case - the needs and requirements of the disabled.

The proposal is consistent with the above policies in that it will provide an improved community facility that supports the continued operation of an established local charitable organisation serving the needs of blind and partially sighted people. The development will enhance the usability of the site by creating a safe, accessible and weather-protected outdoor space for year-round use, directly benefiting service users, staff and visitors. The proposal is modest in scale and appropriate to its context, giving rise to no adverse impact on residential amenity or the local environment, and will not generate any traffic or parking demand. The site is sustainably located within the urban area and is accessible by a range of transport modes. The proposed design places a strong emphasis on accessibility and inclusivity, directly responding to the needs and requirements of disabled users. Accordingly, the proposal is acceptable in principle.

Site's location within a Conservation Area

The application site is within Bury Town Centre conservation area. The conservation area is on the Historic England Heritage at Risk Register.

As stated, this Conservation Area is on the Historic England Heritage at Risk register. Part of this assessment of risk is caused by inappropriate alterations to buildings that do not preserve the character or appearance of the conservation area representing a loss of significance to the character and appearance of it. The character and appearance of the conservation area is considered to be poor.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 202 of the National Planning Policy Framework (NPPF) states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for

their contribution to the quality of life of existing and future generations.

Paragraph 210 of the NPPF states in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 219 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Conservation Areas are considered to be designated heritages. The application site is a non-designated heritage asset.

UDP Policies EN2/1: Character of Conservation Areas and EN2/2: Conservation Area Control seeks to ensure proposals either preserve or enhance the character and appearance of the conservation area. PfE Policy JP-P2: Heritage also seeks this.

The proposed Pergola would be sited to the north-eastern side of the building and would be sited behind the principal façade line of the application building and the adjacent terrace so that views of the main elevations of both Wolstenholme House and the adjoining traditional terrace remain unaffected. The structure would not require alteration to historic fabric. The front boundary of the site is landscaped with established shrubbery which provides an enclosed and somewhat private amenity space.

The proposed Pergola, would be constructed of aluminium. Aluminium is a modern material which would detract from the character and appearance of the conservation area. This harm would result in a less than substantial harm to the character and appearance of the conservation area and this harm will thus have to be weighed against the public benefits of the proposal.

In favour of the proposal. the proposed Pergola would be free standing and detached from the traditional building and the traditional boundary walls of the site. It would be sited and seen against the rear wall of the front and side amenity area of the building. In addition, given the established front boundary landscaping to the site, only the upper part of the Pergola would be visible within the street scene.

Whilst aluminium is a modern building material, the proposed Pergola would be lightweight in appearance and would appear as a subordinate structure to the host building. The proposed structure could also be easily removed as the front/ side amenity area is already hard paved, so the proposal would easily be reversible. The established boundary soft planting and the proposal being sited centrally between the openings within the rear boundary wall of the amenity area would result in the proposal having a very limited impact (lower end of less than substantial harm) on the character and appearance of the conservation area.

The less than substantial harm caused by the proposal is outweighed by the following public benefits:

- The enhancement of an established local charitable facility;
- The provision of a high quality, accessible outdoor space for blind and partially sighted users;
- Improved opportunities for social interaction, therapeutic activity and community engagement;
- Promotion of health, well-being and inclusivity;
- Increased usability of the site throughout the year;
- The bringing into active use of an under utilised part of the site; and
- Securing the continued use of this locally listed building which makes a positive contribution to the character and appearance of the conservation, for future generations to enjoy, in accordance with the requirements of paragraph 202 of the NPPF (2024)

Based on the above, the proposal therefore accords with UDP policies EN2/1 and EN2/2, PpE Policy JP-P2 and the National Planning Policy Framework.

Design and Layout

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure development is suitably designed and, amongst a list of other things, has a satisfactory relationship to the area.

The application site is highly visible from Jubilee Way and the major road junction of Manchester Road with Angouleme Way and Jubilee Way. For the reasons given within the above section of this report, including the fact the front boundary of the site has established shrubbery planting, that the proposed Pergola would be seen against the high amenity space boundary wall that extends from the gable of the application site to the gable of no. 6 Tenterden Street, the proposal is considered to be acceptable from a Design, Layout and Visual Amenity perspective. The proposal therefore accords with UDP Policy EN1/2.

Impact on nearby neighbours

UDP Policy EN/2 - Townscape and Built Design, considers, amongst other things, the relationship of the proposal to the surrounding area.

The proposal would sit between the gables of no. 6 Tenterden Street and the application site. No.6 Tenterden Street (Milltown House) is currently vacant but has an authorised

school use, formerly Spring Lane School. There would be no adverse affect on this business premises.

To the rear and side of the application site there are terraced properties all in business/commercial/Use Class E uses. The proposal would be used by users of the building and due to the limited size of the amenity area in which the proposed pergola would be sited, would not cause undue disturbance to any neighbouring businesses or residents. The proposal therefore accords with UDP Policy EN/2.

Health

PfE Policy JP-P6 'Health' seeks to ensure that new development contributes positively to health and well-being, and helps to reduce health inequalities. It requires proposals to maximise health benefits while avoiding adverse impacts, support healthy lifestyles through design that encourages activity and accessibility, and ensure that developments which may significantly affect health are appropriately assessed. The policy emphasises the role of the built environment in creating safe, inclusive and supportive spaces that promote physical and mental wellbeing.

The proposal is consistent with Policy JP-P6 in that it delivers clear and direct health and wellbeing benefits through the creation of a safe, accessible and sheltered outdoor environment specifically designed for blind and partially sighted users. The sensory garden and pergola will support therapeutic activity, social interaction and year-round outdoor use, thereby promoting both physical and mental wellbeing. The scheme has been carefully designed to ensure ease of movement, comfort and accessibility, encouraging users to engage with the space in a safe and inclusive manner. The proposal will not give rise to any negative health impacts, and instead represents a positive intervention that supports healthier, fulfilled lifestyles and reduces social isolation, consistent with the objectives of PfE Policy Jo-Pa.

Digital Connectivity

PfE Policy Jo-Cc: Digital Connectivity requires all new development to have full fibre to premises connections. As the proposal relates to a detached structure this policy is not applicable in the assessment of this proposal.

Carbon and Energy

PfE Policy JP-S2: Carbon and Energy seeks to deliver a carbon neutral Greater Manchester no later than 2038 with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures. None of the measures identified within the policy specifically relate to this proposal as the Pergola is effectively a pre-made garden structure that would be open-sided and therefore this policy is not applicable in the assessment of this proposal.

Biodiversity Net Gain

As the application was made after 2 April 2024, it is subject to the provisions in Schedule 7A of the Town and Country Planning Act 1990 (the Act) relating to "Biodiversity Net Gain in England" which "makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met". The general condition of planning permission relating to biodiversity gain is set out in paragraph 13(2) to Schedule 7A of the Act and states that:

- (2) The condition is that the development may not be begun unless-
- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
 - (b) the planning authority has approved the plan (see paragraph 15).

However, there are specific exemptions from biodiversity net gain for certain types of development. These exemptions are set out in paragraph 17 of Schedule 7A of the Act and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Officers consider the proposal to be "subject to the de minimis exemption (development below the threshold)". This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.

In this case, as the proposed development would be erected on land/ a roof which is presently a sealed surface and so has a score of 0 in the statutory metric, the development is considered to be subject to the "de minimis exemption" in paragraph 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 as it would not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats. Accordingly, the general condition of planning permission relating to biodiversity gain set out in paragraph 13(2) to Schedule 7A of the Act does not apply in this instance. An informative note explaining this will be attached to the decision notice to meet the requirements in Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Other Matters

There are no other material considerations of note to influence the decision.

Planning Balance and Conclusion

In summary, the proposal represents a modest and high quality form of development that has been designed to respond to its heritage context while delivering clear and meaningful benefits to users of this local charity. The proposal would have a less than substantial harm - limited harm to the character of the conservation area. The public benefits of the proposal are listed within the Conservation Area section of this report but include, amongst other things;

- The proposal would safeguard the significance of the host building, and,
- It would introduce a valuable new facility that will enhance the operation of a local charity, well used by people who are blind and partially sighted, and their families.

There are no adverse impacts that would outweigh the benefits of the scheme. On the contrary, the proposal delivers strong social, accessibility and well-being benefits to a section of society who are blind and partially sighted, consistent with the development plan, and which is supported by national planning policy.

Taken as a whole, the planning balance weighs in favour of the proposal.

For all the above reasons the proposal is acceptable and it is therefore recommended that this application be approved.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

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Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2 This permission relates to the following plans:

Drawing no. 219 PLN L 01: Location Plan;
Drawing no. 219 PLN P 01: Proposed Floor Plan;
Drawing no. 219 PLN E 02: Proposed Elevations & Street View; and
Drawing no. 219 PLN E 03: Proposed Details.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	24/06/2026	HL	25.06.2026