

DELEGATED REPORT

Report by Helen Pressley	Date of report: 24/07/2026	Ref: 73184/FUL
Registration: 19/06/2026	LDFC: 24/07/2026	Expiry Date: 14/08/2026
Site Visit: 01/07/2026	Site Notice: 01/07/2026	Press Date: 02/07/2026
Objections: 0	Con Area: ALSA	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of 5 no. New Steel Frames to Support Existing Balconies to Block of Flats and new balcony to replace 2nd floor failed balcony to west elevation

Location: Pinfold Court, Pinfold Lane, Whitefield, Manchester, M25 7NZ

Description

The application relates to a six storey, brick built block of flats on the junction of Pinfold Lane and Higher Lane. The property is flat roof in design and has existing balconies to the south and west facing elevations. The site is accessed from Pinfold Lane, with a driveway that leads to a garage colony and parking court to the north of the site. The site is located within All Saints Conservation Area.

Planning permission is sought for the installation of 5 no. new steel frames to support the existing balconies, and a new balcony to replace 2nd floor failed balcony on the west elevation.

Relevant Planning History

26710 - (Penthouse) Conservatory Extension - Approve 23/01/1992

35894 - New carport and the erection of 1.8 metre high trellis fencing - Approve with Conditions 21/12/1999

36341 (Penthouse) Lounge Extension - Approve with Conditions 01/08/2000

45992 - (Penthouse) Additional storey above existing penthouse apartment to form additional accommodation and new pitched roofs - Refused 12/04/2006

Publicity

Letter sent to neighbouring properties 19/06/2026

Site Notice 01/07/2026

Press Notice 02/07/026

No representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections raised. It is recommended the new balcony rail and additional steel should be painted black as a neutral colour within the built environment and the underside of the new balcony white to match the existing balconies.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN2 Conservation and Listed Buildings

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
JP-P1	Sustainable Places
JP-P2	Heritage
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
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, ie 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.

Design, Layout and Impact on Conservation Area

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

As the site is located within All Saints Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP. Policy EN1/2 - Townscape and Built Design seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Paragraph 208 of the National Planning Policy Framework (NPPF) states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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 215 of the NPPF states 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 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.

The site is located on a prominent corner plot on the corner of Pinfold Lane and Higher Lane. The site boundary is depicted by a low level wall and planting, with some of the trees along the boundary of the site also protected by means of a Tree Preservation Order. The site, and balconies associated with the flats are visible from the public realm due to the

height of the building.

The Planning Statement confirms that one of the balconies on the western elevation suddenly collapsed on the west elevation of the property, facing Higher Lane. A review was then conducted that highlighted structural issues that needed to be addressed that included inadequate reinforcement with the concrete balcony. This fault is replicated on all balconies within the block of apartments. The balconies are currently fenced off.

The design to address the fault, which has been concluded from the structural engineer is a new steel frame consisting of steel posts to the outer edges of the balconies (approximately 120 x 120mm) with steel channel beams located under the balconies to support them (approximately 150mm deep x 90mm wide). This installation would need to be applied to all sets of balconies.

A Heritage Statement has been submitted with the application, that acknowledges the site's location with the All Saints Conservation Area. It is acknowledged that the site is not an historic building and is a later addition that does not contribute to the area's architectural or historic significance. The applicant considers that the building is neutral in terms of contribution to the Conservation Area as they consider that it neither enhances nor detracts significantly from the area's character. The Local Planning Authority agree with this assessment and consider that the impact of the proposal as a whole would be neutral and would therefore preserve the character and appearance of the Conservation Area.

The collapsed balcony has highlighted a substantial health and safety issue with the flat balconies. As a result a solution is required to fix this issue and to allow residents of the flats safe access to private external amenity spaces. The solution proposed has been designed to reflect existing rhythm of the building. The applicant has confirmed that the beams would be set back from the front edge of the existing balcony to reduce the visual impact of the new steels as much as possible, and will also be painted to reduce this impact. No colour has been proposed however this detail can be conditioned to ensure that the colours used are neutral within the built environment.

Given that the building is not considered to be of architectural or historical significance, and there is a clear public benefit to the proposal in rectifying an existing structural defect with the existing balconies it is considered that the proposal would comply with the Policy considerations set out above.

Amenity

UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that the proposals for development are considered in relation to their relationship to the surrounding area, and the use of lighting. UDP Policy EN7/2 - Noise Pollution that restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users. Policy JP-P1 further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments "offering a high level of amenity that minimises exposure to pollution."

The proposal does not seek to add any additional balconies, and has been designed as to allow residents access to existing outdoor spaces. As such it is considered that residential amenity would be maintained.

Ecology and Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition.

As less than 25m² of habitat would be lost as a result of the proposal, it is accepted that the de minimis exemption would apply to this site.

Carbon and Energy and Digital Connectivity

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

Due to the nature of the proposal, it is considered that the above would not apply to this scheme.

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The development already complies with Policy JP-C2 as the site has full fibre broadband connectivity to the premises. The occupiers are able to obtain a full-fibre connection from available network providers. The building already has the provision of high-quality digital infrastructure and therefore accords with the requirements of Policy JP-C2.

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.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 001 Rev B, 002 Rev A, 003 Rev A, 004 Rev A, 005 Rev A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The steel frames, and new balcony rail hereby approved shall be coloured black and the underside of the new balcony shall be coloured white prior to the balconies being brought back into use and the colour maintained thereafter.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policies EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	24/07/2026	DM	24/07/2026