

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 29/09/2022	Ref: 68307/FUL
Registration: 04/07/2022	LDFC: 27/07/2022	Expiry Date: 29/08/2022
Site Visit: 14/07/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: ALSA	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Lean-to retractable canopy structure over existing patio with full-height glazing to south & east elevations and timber wall to west elevation

Location: 231 Bury New Road, Whitefield, Manchester, M45 8QP

Description

The proposal relates to a building that is located within the All Saints Conservation Area and constitutes a non-designated heritage asset (NDHA), due to its scale, general arrangement, tall stepped and dutch style gables and terracotta detailing. It is three storeys and is constructed from red brick with a slate roof. The site is accessed from a single track access at the rear providing access to a small car park. Permission was granted for the change of use from a bank to a restaurant in August 2011 and for the lowering of the windows along the front elevation in January 2012.

There are commercial properties to the north and east of the site and Whitefield Metrolink station is located to the southeast. There are residential properties to the west and open space to the south, with offices beyond.

The proposal is for the erection of a lean-to retractable canopy structure over the existing patio with full-height glazing to south & east elevations set in an aluminium frame and timber wall to west elevation. It would be erected over the existing outside decked seating area and the existing canvas retractable canopy would be replaced.

The extension would project 6.2m from the single storey south gable, be 9m wide and would wrap around to connect to the side of the porch (such that it would be 8.8m long at the east elevation) and 2.3m to eaves and 3.3m high where it would adjoin the existing building.

It appears that the proposal would result in the provision of 6 additional covers (114 in total).

The submitted Design and Access Statement states that the restaurant requires more floor space due to the ongoing public health situation and the general desire to maintain social distancing.

Relevant Planning History

54177: Change of use from bank (Class A2) to restaurant (Class A3) - Approve with Conditions 24/08/2011

54716: Non-material amendment following grant of planning permission 54177 for 4 no. larger replacement windows at front - Approve with Conditions 13/01/2012

54751: Erection of conservatory to the south side - Refused 01/03/2012

55239: Erection of conservatory to the south side (resubmission) - Approve with Conditions 18/07/2012

60696: Change of use of grassed area to car park - Approve with Conditions 29/03/2017

63114: Variation of condition no. 3 of planning permission 60696 to change the proposed car park surfacing/drainage scheme and condition nos.1, 4, 5, 6 to substitute the previously approved site layout plan from 0.01 rev B to 0.01 rev C - Refused 03/10/2018

Publicity

Advertised by press and site notice and direct neighbour notification. No representations

Statutory/Non-Statutory Consultations

Conservation Officer: Objects to the proposal as it would not preserve or enhance the character and appearance of the conservation area and it would represent less than substantial harm to its significance without any identified public benefit that would outweigh the harm identified

Traffic Section: Not enough information has been submitted to properly assess the highway impacts of the proposal

Environmental Health - Pollution Control: No comments received

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/2	Conservation Area Control
HT6/2	Pedestrian/Vehicular Conflict
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) and 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 Policy 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.

ASSESSMENT

Impact on the NDHA and All Saints Conservation Area

UDP policy EN2/2 states that development within conservation areas will only be acceptable if it preserves or enhances the special character or appearance of the area.

Paragraph 199 of the National Planning Policy Framework (NPPF) requires that 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 202 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 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect nondesignated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Conservation Area Appraisal & Management Plan for Whitefield All Saints Conservation Area identifies the application building as a building of significance and describes the building *"on the west side of Bury New Road, number 231 is a late nineteenth century, red brick (former) Barclays Bank building with an elaborate crow-stepped gable. The whole building is significant but the gable is particularly important to views along Bury New Road from the south"*.

The proposal would directly affect the NDHA, obscuring the ground floor element of the gable end causing detriment to its visual amenity and as a strong contributor to the character and appearance of the conservation area, its architectural features. The proposal

would neither have a neutral impact nor better reveal the architectural significance of the building. The proposal, by virtue of its design, materials, colour, size and scale would represent an incongruous feature on the building, causing an unacceptable loss of significance and as such would be in conflict with Policy 10 of the Conservation Area Appraisal & Management Plan - *"The Council will resist proposed extensions that are too dominant, in a prominent location, or are otherwise detrimental to the character of the building to which they are attached, or to the character or appearance of the wider Conservation Area"*.

The proposal would be in a prominent position on the building and in the street scene. It would be prominent within the conservation area, particularly when viewed from the south (which is an important view from within the conservation area). The proposed extension would represent a modern urban feature, which would be incongruous at this prominent and exposed part of the conservation area. As such, the proposal would not preserve or enhance the character and appearance of the conservation area and it would represent less than substantial harm to its significance without any identified public benefit that would outweigh the harm identified, as required by paragraph 202 of the NPPF.

In conclusion, the proposal cannot be supported in heritage conservation terms as it would not comply with or conflict with paragraphs 199, 202, 203 of the NPPF and UDP policy EN2/2 - Conservation Area Control.

Other matters

The Highway Officer has advised that the submission lacks adequate detail to enable a proper assessment of the highway implications of the proposal.

CONCLUSION

It has been demonstrated in the above assessment that the proposal would cause less than substantial harm to the setting and appearance of the All Saints Conservation Area and the host building, which would not be outweighed by any public benefit. Furthermore, the proposal contains insufficient information to demonstrate that the proposed development would not adversely affect the integrity of the adjacent adopted highway.

The proposal would therefore be contrary to Bury Unitary Development Plan policies EN1/2, EN2/1 and HT6/2 and section 16 of the National Planning Policy Framework.

Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be refused.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its position, design, materials, colour, size and scale would represent an incongruous feature on the building causing an unacceptable loss of significance to the non-designated heritage asset and would not preserve or enhance the character and appearance of the All Saints Conservation Area. The proposed development therefore conflicts with Bury Unitary Development Plan policies EN1/2 and EN2/2 and Section 16 of the National Planning Policy Framework.
- 2 The application and submitted plans contain insufficient information to ensure that the proposed development will not adversely affect the integrity of the adjacent adopted highway. The proposed development therefore conflicts with Bury Unitary Development Plan policies EN1/2 and HT6/2.

DELEGATED REPORT

<u>Case Officer</u> <u>Date</u>	<u>Sign off Officer</u> <u>Date</u>