

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/01/2025	Ref: 71176/FUL
Registration: 03/10/2024	LDfC: 01/11/2024	Expiry Date: 28/11/2024
Site Visit: 20/11/2024	Site Notice: N/A	Press Date: 10/10/2024
Objections: 0	Con Area: ALSA	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement of all upper floor windows from steel to UPVC frames and change frame colour from white to anthracite grey

Location: First Floor, 228 Bury New Road, Whitefield, Manchester, M45 8QN

Description

The application relates to a red brick property at 288 Bury New Road, Whitefield, located on the corner of Salisbury Street. The property was built historically as a Post Office, between 1850 and 1910. It is attached to a row of traditional residential terraces. The property is larger in its frontage than the adjoining terraces and has a brick chamfered brick corner feature creating the entrance to the property. The property is currently in use as a kitchen showroom/ sales place, at ground floor.

To the rear of the application site is the Whitefield Police headquarters site. Opposite the application site on the west side of Bury New Road is Hamilton Road Park

The application site is located within All Saints Conservation Area, Whitefield. The application site and the terrace to which the application site bookends lie within All Saints, Whitefield Conservation Area. Within the associated Conservation Area appraisal, the row of terraces which the application site forms one end off, are identified within the All Saints Conservation Area Appraisal as being buildings that make a positive contribution to the character and appearance of the Conservation Area. The application property is noted as being a 'Building of Significance', likely due to its larger size than the adjoining terrace and its architectural details.

The property is used for commercial purposes. It is currently being used as a kitchen sales/showroom.

Planning permission is sought to replace all upper floor windows, which are metal windows, with grey UPVC chamfered windows. During the course of the application, details and samples of the windows proposed have been submitted.

Relevant Planning History

None

Publicity

3 neighbouring properties have been formerly consulted and the application has also been advertised by Site Notice and Press Notice.

The Press Notice was published on the 10 October 2024. The site notice was erected on the 20 November 2024.

No representations have been received to this public consultation.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections.

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
JP-P2	Heritage
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.

The application site is within the All Saints Conservation Area Whitefield. It is at the end of a two storey residential brick and slate terrace dating from the late 19th/early 20th century and was originally a post office. It is currently occupied as kitchen showroom.

The terrace of which it is part has six terraced dwellings plus the showroom and is a good example of the period residential dwelling with stone heads, stone string course, twin canopies of over bays with rosemary tiles and keystone to front entrance.

The terrace is relatively unaltered from Bury New Road with architectural features and decorations intact along with original boundary treatments. The terrace including the application site makes a strong group contribution to the character and appearance of the conservation area, although unfortunately this contribution has been reduced by each of the dwellings having had inappropriate window replacements of UPVc of varying designs and setbacks.

The existing windows to be replaced are steel frames in a contemporary design with no setback which causes harm to the architectural aesthetic of the building and the character and appearance of the conservation area.

It is proposed to replace these windows with double glazed UPVc windows which, if they are of the appropriate design and installed with a setback would be an improvement on the existing windows and would at least preserve the current heritage baseline of the terrace preserving the character and appearance of the conservation area.

The Council's Conservation Officer recommended that the following details were secured by planning condition:

1. Samples of UPVc frame to be used in the window opening and
2. Should be set back a minimum of 50mm.

The applicant has chosen to provide these details upfront. The details and samples provided have been determined by Officers to be satisfactory and therefore the approved details are secured within the recommended approved plans condition.

Subject to the above condition, it is thus recommended the application be approved as the proposed window replacements would ensure the character and appearance of this part of the conservation area is preserved, in accordance with the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans and documents:

Drawing no. Site Location Plan carried out by Streetwise;
Drawing ref: Proposed Front Elevation;
Drawing ref: Proposed Rear Elevation;
Drawing ref: Proposed Right Side Elevation;
Drawing ref: Proposed Left Side Elevation; and,
Drawing ref: Advance 70, Selecta Systems - Chamfered Suite

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

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, the 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	2/1/25	DM	2/1/25