

# Land at The Waterside, Summerseat Addendum to Heritage Statement



JW | Conservation

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**Land at The Waterside, Summerseat  
Addendum to Heritage Statement**

**Prepared for Opulwood Developments Ltd**

**by**

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**October 2022**

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## 1 EXECUTIVE SUMMARY

This report was commissioned from Jenny Wetton Conservation in 2022 by Opulwood Developments Ltd and is based on the existing *Heritage Statement* dated 2018. That report related to a previous application to develop the site, which was given consent in 2019 (ref. 63630) The purpose of this report is to update the assessment of the contribution of the development site to the significance of both the Grade-II listed Brooksbottom Mill and the Rowlands/ Brooksbottoms Conservation Area and to assess the impact of revised proposals to re-develop the site for residential use. The NPPF requires significance to be assessed when changes are proposed to heritage assets, and for the impact of proposals to be assessed in relation to significance. This report relates to an existing application for planning permission (ref. 68459) and the Local Authority has asked for further information.

Section 4 of this report provides an updated summary assessment of the character of the site and its contribution to significance of both the Conservation Area and of Brooksbottom Mill. The **vacant site is neglected and is still considered to make a negative contribution to the significance of both designated assets.**

Section 5 outlines the heritage planning policy context. The 1990 Planning (Listed Buildings and Conservation Areas) Act is the primary legislative document; there is a presumption in favour of preserving and enhancing heritage assets. The NPPF provides national policy on heritage assets and development and sets out a proportionate approach taking account of significance.

Section 6 assesses the impact of proposals. The proposed development is again not considered to change the character of this part of the Conservation Area. There is very little change to the previously approved design, the height of much of which has been increased by 1.31m. The fenestration and the construction materials are much the same.

With the presumption in favour of sustainable development set out in the NPPF, it is the again author's professional opinion that the proposals will 'preserve or enhance' the significance of the Conservation Area and of the listed building. The proposals are considered to comply with national and local planning policy.

## **2 INTRODUCTION**

### **2.1 Background to the Report**

This report was commissioned from Jenny Wetton Conservation in 2022 by Opulwood Developments Ltd and is based on the existing *Heritage Statement* dated 2018. That report related to a previous application to develop the site, which was given consent in 2019 (ref. 63630). The purpose of this report is to update the assessment of the contribution of the development site to the significance of both the Grade-II listed Brooksbottom Mill and the Rowlands/ Brooksbottoms Conservation Area and to assess the impact of revised proposals to re-develop the site for residential use. The NPPF requires significance to be assessed when changes are proposed to heritage assets, and for the impact of proposals to be assessed in relation to significance. This report relates to an existing application for planning permission (ref. 68459) and the Local Authority has asked for further information.

### **2.2 Purpose of the Report**

The report is designed to provide the author's professional opinion of:

- An updated summary assessment of the contribution of the site to the significance of the Grade-II listed Brooksbottom Mill and of the Rowlands/ Brooksbottoms Conservation Area.
- An assessment of the impact of the proposals.

This report has been written by Jenny Wetton, BA MSc (Arch Cons) IHBC, Consultant, based on evidence from documentary sources and a further survey of the site.

### **2.3 Copyright**

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### 3 SIGNIFICANCE

This report is based on the existing *Heritage Statement* dated 2018, which assessed the history of the site and the surrounding area.

#### 3.1 Character of Site

There is no change to the character of the site.

#### 3.2 Updated Summary of Significance

The Brooksbottoms character area of the Conservation Area is that summarised in the *Character Appraisal* as 'largely a development of the cotton industry from the late eighteenth or early nineteenth century and consisting of larger industrial buildings, rows of small terraces and structures associated with the railway.'

It is still the case that there are important views along Waterside Road into the Conservation Area, which include the site and also encompass Brooksbottom Mill and the viaduct, also identified in the *Conservation Area Appraisal* as a landmark and as a proposal for addition to the Bury Draft Local List. These views also fall within the Conservation Area and one view which frames the site was used on the front cover of the *Conservation Area Appraisal*.

It is still the case that important new views opened up north-eastwards along Kay Street following the demolition of the pub. These provide additional information about the architecture of the decorative west and south elevations of the spinning block and include the historic gate house and offices. The gap left by the demolished pub allows better appreciation of the relationship between the gate house and the Mill. The riverside location of the site allows closer views of the important front elevation.

The stone bridge across the River Irwell has been rebuilt, with stone parapets with rounded copings, and adds to the character of the Conservation Area and the setting of the Mill.



**View Along Kay Street Towards Mill**



**View South-east Towards Site from Entrance to The Spinnings**

The **setting is still considered to make an overall positive contribution** to the significance of both Brooksbottom Mill and of the Conservation Area. **The vacant site**

**is still considered to present a poor aspect and is considered to make a negative contribution to the significance of both designated assets.**

## 4 HERITAGE PLANNING CONTEXT

### 4.1 National Planning Policy Framework (July 2021)

The national legislative framework for development affecting listed buildings and conservation areas is provided by the Planning (Listed Buildings and Conservation Areas) Act 1990; often referred to as the Listed Buildings Act. This sets out the duty on local planning authorities with regard to listed buildings and any buildings or land within a conservation area, when determining applications for planning permission. It is essential that these legal duties are considered, alongside the contents of the NPPF and other planning policies and guidance.

For listed buildings, the planning authority *'shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'* (section 66).

Listed building consent is required for alterations which are likely to affect the character and special interest (significance) of the building. It is not required for like-for-like repairs, nor for alterations to modern fixtures and fittings which will not affect historic fabric, such as the removal of a modern partition.

The National Planning Policy Framework (NPPF) was revised in July 2021 replacing all former planning policy statements (previous edition NPPFs). *The Planning Practice Guide: Conserving and Enhancing the Historic Environment* should be read in the light of the NPPF and does not comprise policy.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The Government has three interdependent objectives to sustainable development: economic, social and environmental. The latter objective includes contributing to 'protecting and enhancing our natural, built and historic environment.' So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**. Policies 189-208 are related to conserving and enhancing the historic environment.

The *Planning Practice Guide* states: 'In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.'

Policy 193 states: 'Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.'

Policies 194 and 195 of the NPPF require planning applicants and local planning authorities to assess the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be appropriate to the assets' importance and no more than sufficient to understand the potential impact of

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the proposal on their significance. Local planning authorities should take this assessment into account when the potential impact of proposed development to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Policy 196 states: 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'

Policy 197 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.'

Policy 199 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.'

Policy 200 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.

Policy 201 states: 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.'

The *Planning Practice Guide* gives guidance on how to assess if there is substantial harm:

'In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm<sup>1</sup>.'

Policy 202 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.'

Policy 205 states: 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

## **4.2 Bury Unitary Development Plan**

### **EN1 - BUILT ENVIRONMENT**

The Council will seek to protect, preserve and enhance the character, appearance and amenity of the Borough's built environment.

#### **EN1/1 - Visual Amenity**

Development will not be permitted where proposals would have a detrimental effect on:

- public views of prominent or important buildings, especially those in areas of architectural or historic interest;
- the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

### **EN2 - CONSERVATION AND LISTED BUILDINGS**

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<sup>1</sup> Department for Communities & Local Government. *Conserving and enhancing the historic environment: Decision-taking: historic environment* [online]. Available at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/conserving-and-enhancing-the-historic-environment/why-is-significance-important-in-decision-taking/> [accessed 13.05.15]

The Council will seek to preserve the Borough's built heritage through the control of development, especially that affecting Conservation Areas, Listed Buildings and areas of local historical importance.

### **EN2/1 Character of Conservation Areas**

The Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. The Council will be especially concerned with encouraging and, where appropriate, implementing measures to:

- retain, replace and restore features of historical and architectural interest;
- retain and enhance existing landscape features including trees, parks and gardens;
- initiate and promote environmental improvement/enhancement schemes such as landscaping, refurbishment of street furniture, traffic management and pedestrian schemes;
- remove dereliction and bring unused land or buildings back into beneficial use;
- prepare and promote design guidelines to ensure sympathetic development.

### **EN2/2 Conservation Area Control**

Development within a Conservation Area will only be acceptable if it preserves or enhances the special character or appearance of the area. In considering proposals for development in Conservation Areas, regard will be had to the following criteria:

- the nature of the development in terms of its bulk, height, materials, colour, design and detailing;
- the relationship between the proposed development and the architectural and visual qualities of the surrounding area;
- where demolition is proposed, the contribution of any proposed new building to the character or appearance of the area as compared to the building to be demolished;
- in the case of the re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the existing building.

### **EN2/3 Listed Buildings**

The Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained. In considering applications for Listed Building Consent, the Council will have regard to the following criteria:

- the impact of the proposal on the historic fabric of the building;
- the relationship of any extension to the Listed Building in terms of its height, size, design, and roofscape;
- the need to protect the setting of the Listed Building;
- the impact of associated ancillary facilities and infrastructure works.

### **4.3 Bury Local Plan Policy Directions (October 2018)**

Draft policies for the Local Plan have been published and are a material consideration.

#### **Conservation Areas Policy Direction BH1**

It is proposed that the Local Plan should include a policy highlighting a variety of actions that the Council could take in seeking to preserve or enhance the character or appearance of the Borough's Conservation Areas.

It is considered that the policy should also set out criteria that the Council will have regard to when considering proposals for development in Conservation Areas.

#### **Listed Buildings Policy Direction BH2**

It is proposed that the Local Plan should include a policy that seeks to ensure that the character and setting of Listed Buildings will be safeguarded by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features and that proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

It is considered that the policy should also set out the factors that will be taken into account when dealing with applications for Listed Building Consent.

### **4.4 Brooksbottoms/Rowlands Conservation Area Study**

#### **Action 13:**

Any new development should ensure that the footprint and massing of new buildings fits into the existing urban grain and respects the historic character of the Conservation Area.

## 5 IMPACT ASSESSMENT

### 5.1 Summary of the Proposals

Hattrell DS One Architects LLP has designed an updated scheme for the redevelopment of the site for residential use, which increases floor to ceiling heights in line with current government guidance.

There are further details in the Greenbelt Statement and the drawings which accompany the application which should be read with this report. The site falls within the setting of the Grade II listed Brooksbottom Mill and within the Conservation Area and the NPPF still advises that substantial harm should be exceptional.

### 5.2 Impact of Changes on the Significance of the Conservation Area

This analysis is based on the guidance given within the Historic England *Advice Note 2: Making Changes to Heritage Assets*. In Chapter 3 *Addition and Alteration*, and under *General Points*, the guidance states:

‘The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.<sup>2</sup>’

#### Magnitude of Impact on Conservation Area

The plans and elevations which show the proposed development show one major change to the Conservation Area and its immediate setting. This will be the construction of an apartment block with associated parking on the site.

#### Overall Impact on Significance

The site lies within the Rowlands/Brooksbottom Conservation Area and, under the NPPF, proposals should ‘enhance or better reveal’ the significance of Conservation Areas; substantial harm should be exceptional. 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. The question to be addressed is how far the proposed change impacts on the designated asset and, in that respect, what effect it would have on its significance.

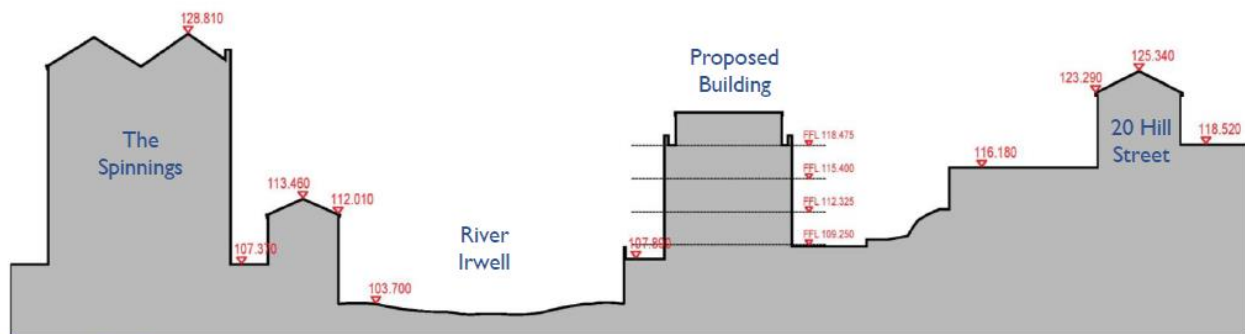
It is the degree to which the change of environment would impact on the values identified in the sections above.

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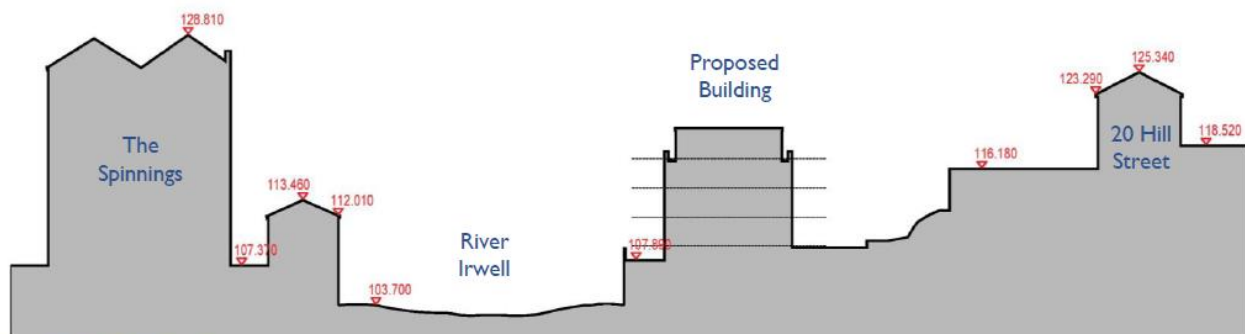
<sup>2</sup> Historic England. *Making Changes to Heritage Assets: Historic England Advice Note 2* (Historic England, February 2016), parag. 41

It is still the case that the apartment building has been set as far east on the site as possible to ensure that the important views north-east along Kay Street are kept open. The parking has again been set along the southern boundary and on the west side, will be bordered with a stone wall by the road and will be landscaped with new planting. There will again be a stone-paved riverside walkway along the north side to allow views along the river. Trees to the south-west and south-east will be retained and will provide screening from Hill Street.

The apartment building is again largely designed on an L-plan to maximise use of this end of the site, will again be three-to-four storeys in height and around ten bays in width. Much of the proposed building will be 1.31m above that of the approved design. The highest point of the revised design is a small section for the lift overrun, which is an additional 0.85m above the planning approved height. This is set back from the elevations and will probably not be seen from street level, although it may be visible in long views along the river. Its overall height and massing will still be less than that of the historic Mill.



### Proposed Site Section



App Ref: 63630 Site Section

### ***Comparison of Heights Between Proposed Building and the Mill, with that of Approved Design***

The arrangement of windows is much the same across the long north and south elevations as the approved design. It has again been designed in a simple contemporary style and will be built in reconstituted coursed stone with cast stone string courses and the ground floor section of the south-east corner in artificial stone ashlar blocks, with a zinc cladding for the upper floor and roof. The south elevation will include glass blank panels in the curtain walling system. The rhythm of the fenestration is again considered to reflect the regular groups of windows of the south

elevation of the Mill. The entrance is again on the south side, which will make the side active, and the north side windows keep this side open.

The design of the proposed building has been based on the previously approved design.



**Proposed South Elevation**



**Proposed West Elevation**

### **5.3 Impact of Changes on the Significance of the Listed Building**

This analysis uses the non-exhaustive checklist given in Step 3 of the Historic England guidance, *Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*.

#### **Impact of New Development**

##### Location and siting of development

- Proximity to asset: It is still the case that the proposed development will be located across the River Irwell, to the south of the Mill.
- Position in relation to relevant topography and watercourses See above
- Position in relation to key views to, from and across: The development has again been set as far east on the site as possible to avoid impacting on the identified key

view north-eastwards from Kay Street towards the Mill. This will also reduce its impact in a further key view south-eastward from Waterside Road. The development would again affect views from the Mill, which are currently open, but it is considered that this impact is mitigated by the appropriate form, scale, materials and design of the apartment block and the riverside walk will enable better appreciation of the important south elevation of the Mill.

- Orientation: The proposed development faces both south into the site and north towards the Mill.
- Degree to which location will physically or visually isolate asset: The development has been set as far east on the site as possible and is considered to have no effect on the isolation of the asset.

#### Form and appearance of development

- Prominence, dominance, or conspicuousness: The apartment block is again three to four storeys high and will face the south side of the Mill. The Mill was historically set within large industrial buildings on the north side of the river, which is shown on mapping from the late 19<sup>th</sup> to the late 20<sup>th</sup> centuries. Much of the proposed building will be 1.31m above that of the approved design. The highest point of the revised design is a small section for the lift overrun, which is an additional 0.85m above the planning approved height. This is set back from the elevations and will probably not be seen from street level, although it may be visible in long views along the river. Its overall height and massing will be less than that of the historic Mill. The fourth storey has again been designed in a dark coloured material to help it to recede in longer views.
- Competition with or distraction from the asset: The apartment block has again been designed in a simple contemporary style in a palette of materials sympathetic to the character of the setting and is not considered to compete with or distract from the Mill.
- Dimensions, scale and massing: The apartment block is again three to four storeys high but is still lower than the Mill and has a smaller footprint. The revised design will be 1.31m above that of the approved design. The highest point of the revised design is a small section for the lift overrun, which is an additional 0.85m above the planning approved height. This is set back from the elevations and will probably not be seen from street level, although it may be visible in long views along the river.
- Proportions: The proportions of the apartment block reflect those of the Mill.
- Visual permeability (extent to which it can be seen through), reflectivity: Although the apartment block itself will be solid, the fenestration will ensure open frontages.
- Materials (texture, colour, reflectiveness, etc): The appearance of the proposed building materials of the development are in keeping with other buildings in the area, with reconstituted coursed stone with cast stone string courses and the ground floor section of the south-east corner in artificial stone ashlar blocks, with a zinc cladding for the upper floor and roof.
- Architectural and landscape style and/or design: The apartment block has again been designed in a simple contemporary style, in keeping with best practice for historic areas.

- Introduction of movement or activity: The site has recently been a car park and the design includes parking for residents so there will be little change.
- Diurnal or seasonal change: There will be no seasonal change to the setting of the Mill but there will be diurnal change as there will be light at night from occupied apartments.

#### Wider effects of the development

- Change to built surroundings and spaces: The site was historically occupied by two long rows of terraces but has recently been a car park.
- Change to skyline, silhouette: There will be a change to the skyline as the apartment block is three to four storeys high.
- Noise, odour, vibration, dust, etc: Since the demolition of the pub, the area has been quiet, although traffic has increased with the opening of the bridge; the development will bring activity back to the site.
- Lighting effects and 'light spill': See above under diurnal change.
- Change to general character (eg urbanising or industrialising): It is not considered that the general character of the area as an industrial village will be changed. The size and form of the development reflects that of the Mill opposite.
- Changes to public access, use or amenity: The site will become publicly accessible, particularly with the introduction of a riverside walk which will enable better appreciation of the architectural value and thus enhance the significance of the Mill.
- Changes to land use, land cover, tree cover: The site will again be partially occupied by a building and there will be additional planting within the car park, along the north side and a garden at the east end.
- Changes to communications/accessibility/ permeability, including traffic, road junctions and car-parking, etc: The site has previously been used as a car park, resulting in a junction with Kay Street and this will be continued.
- Changes to ownership arrangements (fragmentation/permitted development/etc): The site is again currently in single ownership, but apartments will be sold.
- Economic viability: The development is considered to be economically viable.

#### Permanence of the development

- Anticipated lifetime/temporariness: The development will again be permanent.
- Recurrence: N/A
- Reversibility: N/A



***Proposed North Elevation***

## **5.4 Overall Impact of Changes**

The proposed development is again not considered to change the character of this part of the Conservation Area. There is very little change to the previously approved design, the height of much which has been increased by around 1.3m. The fenestration and the construction materials are much the same.

The river edge parapet wall will be repaired or replaced on a like for like basis if necessary.

In response to local planning policy, it is still the case that:

- EN1/1 - Visual Amenity, the proposals are considered to preserve public views of prominent or important buildings, especially those in areas of architectural or historic interest and the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.
- EN2/1 Character of Conservation Areas, the proposals are considered to preserve and enhance the character or appearance of the Conservation Area, to enhance the landscape features of the site and to bring unused land back into beneficial use.
- EN2/2 Conservation Area Control, the proposals are considered to preserve and enhance the special character or appearance of the area, to be appropriate in terms of bulk, height, materials, colour, design and detailing and in terms of the relationship between the proposed development and the architectural and visual qualities of the surrounding area.
- EN2/3 Listed Buildings, the proposals are considered to protect the setting of the Listed Building.

The proposals are again also considered to meet the requirement of the Conservation Area Study, Action 13 to 'ensure that the footprint and massing of new buildings fits into the existing urban grain and respects the historic character of the Conservation Area.'

It is still the case that the proposals are considered to be consistent with the identified heritage values of the Conservation Area and of the listed building and to be **beneficial overall**.



***Proposed View South-east***



***Proposed View North-east***

## **6 CONCLUSIONS**

Section 4 of this report provides an updated summary assessment of the character of the site and its contribution to significance of both the Conservation Area and of Brooksbottom Mill. The vacant site is neglected and is still considered to make a negative contribution to the significance of both designated assets.

Section 5 sets out the legislative and planning policy framework and gives guidance on the circumstances in which consent may be required. Policy 197 of the NPPF sets out the principles guiding the determination of applications for consent relating to heritage assets. This should take account of the desirability of sustaining and enhancing significance, the positive contribution that conservation of heritage assets can make to the establishment of sustainable communities and economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Section 6 assesses the impact of the proposals. The proposed development is again not considered to change the character of this part of the Conservation Area. There is very little change to the previously approved design, the height of much which has been increased by around 1.3m. The fenestration and the construction materials are much the same.

With the presumption in favour of sustainable development set out in the NPPF, it is the author's professional opinion that the proposals will again 'preserve or enhance' the significance of the Conservation Area and of the listed building. The proposals are still considered to comply with national and local planning policy.