

71201 – Stand Cricket & Tennis Club, Hamilton Road, Whitefield

Erection of 4 no. Padel Courts

The application site is within All Saints Whitefield conservation area and is within the setting of All Saints Church a Grade I listed building.

The padel courts would be contained within a new proposed structure. The structure would have a footprint of 20 metres by 10 metres with an additional overhang canopy at each end of the building of approximately 4 metres. The proposed building would have a height of 9.50 metres with a Gambrel roof.

The cricket club which forms a majority of the green space within the conservation area together with Hamilton Road Park, All Saints Church, cemetery and grounds and the area of the former town hall to the south east creates an open linked space with surrounding residential development from the late 19th century to the early 20th century creating a landscape little changed in the last 100 years.

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.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 201 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 203 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 205 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 206 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.

Paragraph 208 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 212 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.

Conservation Area –

The proposal represents an incongruous, urbanising and contemporising development in the conservation area. The proposed building by virtue of its size, design, materials, mass and scale would be visible in views from Higher Lane, Hamilton Road, Bury New Road, Parklands and Hamilton Road Park. The proposal would be a wholly unacceptable feature totally at odds with the green open landscape fringed by dense tree coverage in parts and historic residential development and the setting of All Saints church. As such the proposal would not preserve or enhance the character or appearance of the conservation area. As such it would represent less than substantial harm to the significance of the conservation area.

The proposal would not satisfy the requirement under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

The proposal would not comply with or be contrary to paragraphs 201, 203, 205, 206, 208 and 212 of the NPPF and would not comply with adopted UDP policies EN2/1-Character of Conservation Areas, EN2/2-Conservation Area Control and EN2/3-Listed Buildings.

Listed Building –

All Saints Church is a Grade I Listed church in the Gothic style (1822 Charles Barry). The proposal would have views from Hamilton Road, Hamilton Road Park, Stand Cricket Club and other locations identified above. There is intervisibility between the church and the application site although there would be some filtered views at certain times of the year through the trees on Hamilton Road and within the church grounds.

It is considered that the proposed building would still have sufficient intervisibility between its siting and the church by virtue of its size, scale, mass and height to have a significant visual impact on the setting of the Grade I listed church. As such the proposal would be viewed within the setting of the church from the areas identified causing harm to its special architectural interest and aesthetic. The harm identified would represent less than substantial harm.

The proposal would not satisfy the requirement of Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal would not comply with or be contrary to paragraphs 201, 203, 205, 206, 208 and 212 of the NPPF and would not comply with adopted UDP policy EN2/3–Listed Buildings.

The proposal would not be acceptable in heritage conservation terms as it would neither preserve or enhance the character or appearance of the conservation area and it would cause a loss of significance of the church through harm caused to its setting. Furthermore the proposal would not further enhance the understanding of the significance of the conservation area or the listed building.

Conservation Officer

9/12/24