

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	18 December 2018
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

David Marno, Head of Development Management
 Planning Services, Department for Resources and Regulation,
 3 Knowsley Place ,Bury BL9 0EJ

Tel: 0161 253 5291

Email: d.marno@bury.gov.uk

**Planning Appeals Lodged
between 05/11/2018 and 09/12/2018**



Application No.: 63060/FUL

Appeal lodged: 23/11/2018

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr Ivan Hajdukewycz

Location: 323 Turton Road, Tottington, Bury, BL8 3QG

Proposal: Alterations to front garden area to form parking area and erection of retaining wall

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 05/11/2018 and 09/12/2018**



Application No.: 61827/OUT
Decision level: DEL
Recommended Decision: Refuse
Applicant: Astim Ltd

Appeal Decision: Dismissed
Date: 03/12/2018
Appeal type: Written Representations

Location: Grant Arms Hotel, 11 Market Place, Ramsbottom, Bury, BL0 9AJ

Proposal: Outline application for proposed demolition of part of building and erection of sheltered housing including change of use of public house to sheltered housing



Appeal Decision

Site visit made on 23 October 2018

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2018

Appeal Ref: APP/T4210/W/18/3199652

The Grant Arms Hotel, Market Place, Ramsbottom BL0 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Derek Barnes against the decision of Bury Metropolitan Borough Council.
 - The application Ref 61827, dated 11 December 2017, was refused by notice dated 8 March 2018.
 - The development proposed is outline application for proposed demolition(s) of part of building and erection of sheltered housing including change of use of public house to sheltered housing.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with approval sought for access, appearance, layout and scale. Landscaping is reserved for consideration at a later stage.
3. The Grant Arms Hotel is a Grade II Listed Building. The development proposed includes the demolition of a large part of the rear of the building, alterations to the car park area, change of use and internal works. As such, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, both planning permission and listed building consent are required to authorise the alterations proposed. As I am dealing with a Section 78 appeal against refusal of planning permission only, in determining this appeal I have considered the elements which require planning permission. That is the change of use and the proposed building operations, and their effect on both the listed building and the wider conservation area.
4. Should this appeal be successful, it would also be necessary to obtain listed building consent for other aspects of the scheme, including the demolition of the rear portion of the building and the internal works, for this scheme to be fully consented.
5. Whilst the description of the development refers to the proposal being for sheltered housing, elsewhere in the supporting documentation reference is made to the scheme being for a retirement home. For the purposes of this appeal I have assumed that the proposal is for a sheltered housing scheme.

Main Issues

6. The main issues are:

- Whether the proposal would preserve this Grade II listed building or its setting or any features of special architectural or historic interest it possesses;
- Whether the proposal would preserve or enhance the character or appearance of the Ramsbottom Conservation Area; and,
- The effect of the proposed alterations to car parking provision on highway safety in the vicinity of the appeal site.

Reasons

Listed building

7. The appeal building has an interesting history and was originally constructed as a dwelling known as Top o' th' Brow. This now forms its rear wing. This part of the building originates from around 1780, though it is suggested that parts may be older. It is mostly two storeys and rendered with a slate roof and timber framed sash windows. It later became Grant Lodge, the home of the Grant family. I understand that the Grant brothers were hardworking industrialists who were closely associated with Ramsbottom's development as a factory town in the 19th Century. It is claimed that the brothers inspired Charles Dicken's Cheeryble brothers in *Nicolas Nickleby*.
8. The building became a hotel/public house with the addition of the T-shaped southern portion in around 1828. Today the front south facing elevation of what is now known as the Grant Arms Hotel is the most visually impressive feature of the building overall. Its three storey classically proportioned and symmetrical front elevation includes stonework with typical period detailing, including sill bands, quoins and Tuscan half columns to the doorway. This forms a prominent feature of the adjacent Market Place. As the rear element is set down at roof level and steps behind the southern portion on the most visible eastern side, it has a subservient relationship to the southern frontage.
9. Overall it appears that the building's special interest and heritage significance derive from both the historical associations of the building as a whole, as well as the distinctive appearance of its southern elevation. However, in seeking to understand the nature and evolution of built form on the site, particularly the rear element, the details set out in the Heritage Assessment are sketchy. As such the application is fundamentally flawed in that it does not address the requirement set out in the National Planning Policy Framework (the Framework) paragraph 189 that applicants should describe the significance of any heritage asset affected, including any contribution made by their setting. Furthermore, paragraph 199 states that local planning authorities should require developers to record and advance understanding of heritage assets to be lost (wholly or in part) in a manner proportionate to their significance and the impact of their loss. These requirements have not been met.
10. Be that as it may, the proposal would involve the demolition of much of the original rear portion of the building and its replacement with an extension. The contemporary addition would be in roughly the same position, though extending further to the west, and be of similar mass and scale to the

demolished original. However, whilst this structure would be rendered with a slate roof and there would be some modelling of the east and western elevations, the numerous windows would be standard black power coated aluminium. Whilst it may be that design cues have been sought from the adjacent Civic Hall, overall the extension would have a regularised appearance which would contrast with the more varied and evolved appearance of the current building.

11. Furthermore, as the rear addition would adjoin the southern portion at the same ridge height, this would alter the current clearly subservient relationship between the front southern portion and the rear. As a result the new extension would have a more substantial and solid appearance than that which it would replace, altering that balance of built form on the site.
12. It is also apparent that there are a series of design discrepancies in the proposals, in particular the references to Juliette balconies and modern entrance canopy which do not appear on the plans. As appearance is not a reserved matter, the inadequacy of such information adds to the concerns about the effect of the proposal.
13. It has not therefore been demonstrated that this proposal would preserve this Grade II listed building or its setting or any features of special architectural or historic interest it possesses. In this regard it would conflict with saved Policies EN1/1 and EN2/3 of the Bury Unitary Development Plan 1997 (UDP) which together seek to protect historic buildings.
14. Saved Policy EN2/3 of the UDP 1997 states that proposals for demolition of listed buildings will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained. Furthermore, paragraph 191 of the Framework sets out that 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.
15. The building has been empty and unused since July 2017. It was apparent at my site visit that it is in a neglected state and has been the subject of vandalism. As a consequence the repair costs presented by the appellant are considerable, with the viability/structural survey information submitted by the appellant noting that the building has suffered a significant lack of maintenance. Whilst it is suggested that the market for public houses is limited and that it has not been possible to find a tenant, there is no evidence of this opportunity having been actively marketed. As a result there is insufficient evidence of efforts to secure a viable use for the building in its current form. As the proposal would result in the loss of a large portion of this listed building the justification required by saved Policy EN2/3 has not therefore been presented.
16. Based on the limited evidence before me, it is likely that the proposal would lead to substantial harm to this designated heritage asset. The Framework at paragraph 195 sets out that in order to justify such harm there must be substantial public benefits that outweigh the harm or loss, or where a number of specific criteria relating to securing a viable future use apply. I have already established that insufficient evidence relating to the viable use of the building has been presented. Whilst it is suggested that the building would be well placed to provide sheltered housing, with evidence of some local support, there

is no evidence of need in this regard. This cannot therefore be regarded as a substantial public benefit, and it would not outweigh the harm identified.

Conservation Area

17. The appeal buildings southern elevation faces onto and dominates the north side of the Market Place, at the heart of Ramsbottom, within the northern section of the conservation area. A number of adjacent stone buildings of complementary form and stature arc around and frame this important space. The rear portion of the building lies on the rising land to the north, adjacent to the access road and car parking area, with a disused bowling green to the north east. The rear of the building is therefore less apparent in the context of the Market Place, though visible to car park users and in views from Ramsbottom Lane to the south east.
18. I have already raised concerns about the altered relationship between the front of the building and the rear area as a result of this proposal, in particular the erosion of the subservience between the two elements of the building, as well as a number of design discrepancies. As such it is likely that the proposal would impart some harm by virtue of its greater form and solidity in views in and around the Market Place, and its more contemporary appearance. Whilst my view is that the degree of harm caused to the wider conservation area would be less than that to the listed building itself, the design discrepancies identified mean that it is difficult to draw a definitive conclusion.
19. I therefore conclude that the proposal would not preserve or enhance the character or appearance of the Ramsbottom Conservation Area. In this regard there would be conflict with the UDP saved Policy EN2/1 which seeks to preserve or enhance the character or appearance of conservation areas. Even if I were to conclude that the harm to the conservation area would be less than substantial, with reference to the Framework paragraph 196, there are no public benefits to outweigh this harm, and it has not been demonstrated that the proposal would secure the optimum viable use of the building.

Highway Safety

20. The car parking area adjoining the rear of the property, which is currently in public use, would be modified to allow for the enlarged building and the creation of an amenity area to the west. Overall the reduced number of spaces would meet the maximum requirements for parking provision relating to sheltered housing as set out in the adopted 'Development Control Policy Guidance Note 11: Parking Standards in Bury'. This is the case whether either the 12 units indicated on plan or 28 units suggested in the Design and Access Statement were to be introduced.
21. However, the modified layout proposed would create some tight spaces, resulting in issues around access to the westernmost spaces and general manoeuvrability within the site. Resulting concerns around the safe access to these spaces, exacerbated by the challenging local road gradients, uneven cobbled surfaces and busy nature of this location would lead to concerns about the safe movement of pedestrians and vehicles in this area.
22. The proposal would result in the loss of an area of public car parking in an area where the availability of off-street parking locally is a concern. Whilst information on this point is limited, it is possible that there could be some

additional pressure for on street parking in adjacent roads, leading to further highway safety concerns.

23. I therefore conclude that the proposed alterations to car parking provision would have a harmful effect on highway safety in the vicinity of the appeal site. In this regard there would be conflict with saved Policies H2/2, HT2/4 and HT6/2 which together seek to ensure that proposals make adequate provision for car parking and servicing, reducing the potential for pedestrian/vehicular conflict.

Conclusion

24. The proposal would fail to preserve the listed building or preserve or enhance the conservation area, contrary to the clear expectations of the Act, and the development plan. There would also be some harm to highway safety. Moreover, there are no public benefits or other considerations which would outweigh the harm identified.
25. For these reasons the appeal is dismissed.

AJ Mageean

INSPECTOR

Details of New Enforcement Appeals Lodged
between 05/11/2018 and 09/12/2018



Case Ref: 17/0415

Date of Appeal: 09/11/2018

Appeal Type: REP

Location: Land at Lower Kirklees Street, Tottington, Bury, BL8 3NY

Issue: Creation of a hard-standing access track

Total Number of Appeal Cases: 01
