

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/01018/VRCON

CASE OFFICER

Rachel Carney

DETERMINATION DATE 10.01.2025 **EXT OF TIME**

Address: Hopwood Hall, Hopwood Hall College, Middleton Campus, Rochdale Road, Middleton, M24 6XH

Proposal: Section 73 application to vary conditions 2 (Approved Plans) and 3 (Change of Use Plans) of planning permission 22/00907/FUL (Proposed change of use of buildings and grounds to sui generis, to include: events; hospitality; tours; education; café; and, shop, with associated ancillary facilities) as follows: replace approved proposed ground floor plan (Ref: HOH-SEV-XX-XX-DR-A-02100) with proposed ground floor plan (Ref: 243438-PUR-ZZ-XX-DR-A-0001) and additional proposed first floor plan (Ref: 243438-PUR-ZZ-XX-DR-A-0002) to show the complete building

PUBLICITY	Weekly list expired?	y	Site notice expired?	y
	Neighbour letters expired?	y	Press Notice expired?	y

DELEGATION	Significant departure from local plan?	n	Contrary to national policy?	y
	Applicant a Council Member or officer?	n	Contrary to previous decision?	n
	Major with 10 or more objections and recommending approval?	n	Called in or Planning Panel objection?	n

COMMENTS	Planning Panel comments received?	n
	Neighbour comments received?	n

EIA	Screening opinion completed and saved to Onbase?	n
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CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

CHECKED AND SIGNED OFF BY: Melanie Hale DATE: 16/12/24

SITE

The application relates to Hopwood Hall, a Grade II* listed building which is encompassed by the Hopwood Hall College campus. The listing text reads:

House, now part of training college. Largely of the C17 and C18 but incorporating parts of an early C16 open-hall timber-framed structure and various C19 and C20 additions and alterations. Brick with stone dressings and graduated stone slate roof. Quadrangular 2-storey plan with later additions to west including a C20 extension which is not of special interest. A symmetrical gatehouse (of 1690 but rebuilt in C20) gives access to the courtyard through double studded-oak gates. It has a projecting plinth, stone quoins, a segmental archway, and a flat roof replacing the original pitched roof. Two 6-light double-chamfered stone mullion and transom windows on each floor and a C19 oriel window in bay 2 with coat of arms and castellated parapet. The windows, which have leaded lights and hoodmould (with coiled stops on the ground floor), have on the whole been replaced or re-cut. The C19 2-bay addition to right repeats similar details. The left return consists of a library of c.1755 with C19 2-storey bay window and a dining room of c.1840 with large mullion and transom windows. The rear (south) elevation has four bays and various later additions which step up the hill to left. The screens-passage door with stone surround remains in its original position adjacent to a 2-storey late C16 canted bay window with 9-light mullion and transom windows on each floor. The canted bay windows in bays 3 and 4 are C19 but contribute greatly to the house's distinctive character. Bay 1 has mullioned windows on each floor; the later additions have casements. The numerous circular chimney shafts are largely C19 or C20.

INTERIOR: the C16 roof trusses including the spere truss over the original hall are all intact. They have king posts and cusped braces. The floor which was inserted in the late C16 is also complete with its heavily moulded beams. The extent to which the timber frame still exists has not been fully explored. Substantial quantity of carved oak includes doors, door surrounds, fire surrounds, panelling etc. Its age and origins are varied but much dates from the early C17. Tudor-arched fire surround in stone dated 1658 bearing initials FG and a coat of arms. Other features including much C19 work are of interest.

The house is particularly noteworthy as an example of a quadrangular plan which developed around a timber-framed open hall.

The building is also identified on Historic England's Heritage at Risk Register, due to its derelict condition. The Historic England Heritage at Risk Register Entry states:

Former college derived from a country house, dating from C17 and C18, incorporating parts of an early C15 open hall timber frame with further C19 and C20 alterations. Currently vacant with emergency works underway by a combination of the Local Authority and an active local friends group with match funding from Historic England. Discussions are on-going about potential new uses for the Hall to bring it into both commercial and community use.

The adjacent college site features a number of large buildings generally built since the 1980s, with associated sports pitches, car parks, animal handling area and other ancillary buildings.

The site lies within the Green Belt and is otherwise predominantly surrounded by woodland or open fields.

PROPOSAL

The application seeks to vary condition 2 (plans) and 3 (change of use plans) of planning permission 22/00907/FUL which for the change of use of buildings and grounds to sui generis, to include: hospitality; tours; education; café; and shop, with associated ancillary facilities.

The application includes an amended first floor plan which seeks to extend the development beyond the area of the building previously included within the change of use. The proposed ground floor plan includes the following rooms/uses: community café; WC's; Function room, community classroom and workshop; lounge; bar; assembly; reception; chapel; courtyard; gallery; morning room; library; banqueting room; oak parlour; snug and study.

Proposed floor plans for the mezzanine level have also been submitted. The mezzanine level includes one bathroom and one room with a sink, with the rest of the spaces/rooms un-named. The proposed first floor plan includes no detail on the proposed use of the rooms.

The covering letter advises that the activities at the hall will require use of the entire Hall, including the first floor which will also allow for students to be able to repair the upper leaded-glass windows. It also states that the proposal is to include the complete ground floor for the previously approved uses and that the first floor plan is provided to complete the whole building which the permission relates to.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1 Sustainable Development
JP-S4 Flood Risk and the Water Environment
JP-J1 Supporting Long Term Economic Growth
JP-G8 A Net Enhancement of Biodiversity and Geodiversity
JP-G9 Green Belt
JP-P1 Sustainable Places
JP-P2 Heritage

Adopted Rochdale Core Strategy (CS):

SP2	The Spatial Strategy for the borough
SP3	The Spatial Strategy for the townships
SD1	Delivering sustainable development
DM1	General development requirements
DM2	Delivering planning contributions and infrastructure
SO2	Creating successful and healthy communities
C6	Improving health and well being
C8	Improving community, sport, leisure and cultural facilities
SO3	Improving design, image and quality of place
P1	Improving image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
SO4	Promoting a greener environment
G5	Managing protected open land
G7	Increasing the value of biodiversity and geodiversity
SO5	Improving accessibility and delivering sustainable transport
T1	Delivering sustainable transport
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards

Saved Policies of the Rochdale Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
D/10	Protected Open Land
G/8	Greenspace Corridors

RELEVANT SITE HISTORY

19/00154/LBC – Listed Building Consent for emergency weather proofing to the west wing, removal and replacement of a lintel in north elevation, structural repair of the main staircase, re-modelling of valley gutter including installation of new access hatch,

repairs to plaster ceiling in area indicated as GF12, removal of debris from north section, structural repairs of north section and restoration of leaded lights in the internal courtyard - Granted

21/00101/LBC – Replacement of 2no. rotten lintels along with repair and replacement of damaged flooring in first floor area to enable a safe means of escape - Granted

21/01779/LBC - Emergency repairs to roofs, gutters, rainwater goods and external facades as well as internal and external alterations. These include: reroofing of part of the building and installation of insulation above the rafters, removal of internal modern blockwork walls, stripping out of modern finishes, dry rot and debris, replacement beam, installation of welfare facilities, repairs to chimneys, replacement of defective lead work withterne coated steel and replacement fascias and soffits - Granted

22/00656/LBC - Alterations and repairs including: West Wing: emergency works to remove rotten timber floor floors (part retrospective), reinstatement of new timber floors on ring beam, replacement of defective timber lintels with concrete lintels; Repairs to bays, truss repairs and replacement of concrete roofs with timber joists within the Georgian room, FF2 and FF3; Other areas: new access rooflight and emergency replacement of defective timber lintel over external door - Granted

22/00907/FUL - Proposed change of use of buildings and grounds to sui generis, to include: events; hospitality; tours; education; café; and, shop, with associated ancillary facilities – Approved

23/01293/LBC - Phase III works; full re-roofing / repair works, gutter and rainwater goods, as well as repointing/façade works to the southern and eastern wings - Approved

CONSULTATION RESPONSES

Conservation And Design

Verbal comments – Insufficient information has been submitted to allow any assessment to be made on the impacts of the development on the significance of the heritage asset. The proposals also seem to go beyond the scope of what has been previously proposed.

Highways And Engineering

Insufficient information has been submitted to identify which rooms are intended for which purpose and the opening times of each aspect. Highway Services are unwilling to offer their support.

Gtr Manchester Ecology Unit

No comments received to date

Env Health - Noise/Odours

No objections.

Historic England

Not offering advice in this case.

Joint Committee Of National Amenity Societies

No comments received to date

REPRESENTATIONS

The application has been publicised with a site notice, press notice and neighbour notification letters. No representations have been received.

ANALYSIS

The application requests a variation of conditions 2 and 3 of planning permission 22/00907/FUL, which was for change of use of buildings and grounds to sui generis to include: events; hospitality; tours; education; café; and, shop, with associated ancillary facilities.

Condition 2 lists the approved plans and condition 3 defines the area of the building approved for change of use. This reads:

The change of use hereby approved relates to spaces within buildings as shown on Proposed Ground Floor Plan (ref: HOH-SEV-XX-XX-DR-A-02100), with ancillary activities primarily relating to access and parking relating to the wider site (plan ref: HOH-SEV-XX-XX-DR-A-01002).

Reason: In the interests of protecting neighbour amenity and the function of the surrounding highway network, in accordance with Policies C6 and T2 of the Rochdale Core Strategy and the National Planning Policy Framework.

When considering the proposals submitted it is noted that very little information has been received to support the application. The information comprises of:

- A covering letter;
- A proposed ground floor plan and mezzanine plan which identifies the proposed use of some of the rooms;
- A proposed first floor plan which does not identify the proposed use of any of the rooms.

Relevant information included in the covering letter is quoted below:

Hopwood Foundation, recent funding for heritage skills training is to be allocated to Hopwood Hall. In addition, Hopwood Hall has been successful in grant funding from the National Lottery Heritage Fund for expanding community engagement including tours and activities in the Hall. These activities will require the use of the entire Hall, including the first floor which will also allow for students to be able to repair the upper leaded-glass windows (rather than on scaffolding).

The permitted change of use relates to the whole building and grounds under planning permission ref: 22/00907/FUL. Approved floorplan (ref: HOH-SEV-XX-XX-DR-A-02100) cited on conditions 2 and 3 show the ground floor and mezzanine only. As the entire Hall will need to be accessible, amendments to the approved plans are necessary to show the complete building.

The ground floor plan layout proposes to be amended to show the complete ground floor instead of only part being accessible for these activities. A supplementary first floor plan is provided to complete the whole building which the permission relates to. All the activities proposed in the building fall within the permitted uses shown on description of development of Planning Permission ref: 22/00907/FUL. There are no other changes proposed to the planning permission.

Any future building interventions or design proposals which may be needed would be subject to listed building consent application as required, which fall outside of this section 73 application.

Planning legislation allows under a section 73 application, material amendments to be made to an approved planning application by the variation or removal of conditions. There is no statutory limit on the degree of change permissible to conditions under a s73, but the change must only relate to conditions and not to the operative part of the permission (see *R.(on the application of Fiske) v Test Valley BC* (2023)).

Under consideration of application 22/00907/FUL, there was a clearly defined area of the building that was subject to the application and this was identified on the approved plans and controlled under condition 3 of the permission. Under the scope of works approved it clearly set out that the proposal related to change of use only and included no physical changes to the building. Additionally, through consultation with the Council's Conservation Officer, while it was noted that the applicants should be advised that any alterations to the fabric of the building would require listed building consent, it was considered that any such changes associated with the proposed works (under 22/00907/FUL) would likely be small in scale.

Similarly, when considering the general impacts of the development, the published committee report noted *"The submitted floorplan showing the areas where the use will take place demonstrates that the uses would not be of a scale which would be more likely to give rise to harmful impacts sometimes associated with larger-scale events, such as traffic or noise impacts"*.

The supporting statement submitted for the current S73 application indicates that the applicants are now applying for change of use of the entirety of the building, rather than the small area of the ground floor previously approved. However, the information provided is very limited with no proposed use provided for some of the ground floor and mezzanine floor and no uses at all provided on the plans for the first floor. Additionally, no existing floor plan has been provided for the first floor to indicate whether any physical alterations to the buildings layout are proposed or necessary to undertake a change of use. This very basic level of information received to support the application, makes it very difficult to determine the full scope of works currently proposed.

The lack of detail has also been raised as a concern by Highway Services. Highways Officers have noted that the application provides insufficient information on the scale of the proposed uses and the opening times of each use. Additionally, no parking arrangements have been submitted with the application, although it is noted by the LPA that the approved planning permission includes a condition relating to parking and access of the site and that this condition can be reconsidered under the S73 application and possibly varied as may be considered necessary. However, when considering any changes to that condition, the LPA must first be able to understand the full scale and scope of the proposals in front of them and whether it is possible to provide sufficient parking at the site, and thus satisfy the requirements of any amended condition. In this regard, the considerations by the LPA (in consultation with the local Highway Authority) include; whether acceptable access to the site is possible and if sufficient space exists within the red line to provide adequate parking, plus any other necessary highway arrangements for the development. These matters have not been demonstrated within the application and therefore the highway impacts of the proposal cannot be assessed and it cannot be determined that the application would accord with the requirements of policies T2 and DM1 of the Core Strategy, policy JP-S1 of PFE and the NPPF.

In addition to the above, the LPA are aware that the interior of the building is in a very poor state, with significant repairs/replacement required of floors, ceilings, walls, windows etc. Without knowing the full scope of the proposals, it is not clear what works, if any, will be required in order to make the building habitable for the extended change of use, although it is extremely likely that works, which go beyond those advised as possibly necessary under the approved application, will be required and it is not clear that the proposals would comply with the requirements of policies P2 and DM1 of the Core Strategy, policy JP-P2 of PfE and the NPPF. Any physical alterations to the building will require listed building consent and some alterations may also require planning permission.

Furthermore, the LPA are also aware that the building contains bats. Bats are a protected species under law and it is an offence to disturb, harm or kill bats. The protection of bats is a material planning consideration and if there is a possibility that bats may be impacted by a development, bat survey's to assess the impacts and risks of the proposals must be submitted prior to the determination of a planning application. Given that the application fails to demonstrate the full scale and scope of the proposals and whether any physical changes are necessary to implement the proposed change of use, insufficient information has been submitted with the application to demonstrate that the application would provide necessary protection for protected species (bats) at the site. As such, it is considered that insufficient information has been submitted with the application to ensure the protection of protected species at the site in accordance with policy G7 of the Core Strategy, policy JP-G8 of PfE and the NPPF.

In conclusion of the above, while the applicants have failed to provide sufficient information for the LPA to understand the full scale and scope of the application, it is considered that use of the entirety of the hall would comprise a material operative change to the original permission, which would fall outside of what can be accepted under a S73 application. Additionally, with the information provided, the LPA are unable to understand or assess the impacts of the proposal. The application therefore fails to demonstrate that the proposals are acceptable as a S73 application and the recommendation is for refusal.

RECOMMENDATION

REFUSE

1. Use of the entire Hall would comprise a material and operative change to the original planning permission. As such, the proposed amendments fall beyond the scope of what is possible through an application made under Section 73 of the Town and Country Planning Act 1990 (as amended).

2. Insufficient information has been submitted to demonstrate the scope of the proposed development and whether the proposals would require any physical alterations to the building that could impact on the significance of the Grade II* listed building, whether the development could be served by adequate parking and access arrangements so as to not adversely impact on highway safety and whether the development would impact on protected species at the site. The application has therefore failed to demonstrate that the proposals would comply with policies P2, G7, T2 and DM1 of the adopted Rochdale Core Strategy, policies JP-S1, JP-G8 and JP-P2 of Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.