

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

22/01179/LBC

CASE OFFICER

Majid Mir

DETERMINATION DATE 06.01.2023 EXT OF TIME 05/04/2024

Address: 1 Hartley Street Milnrow OL16 3BB

Proposal: Change of use and conversion from dental laboratory (Use Class E) to beauty salon (Use Class E) at ground floor including conversion of carport to additional salon room with a 2 bedroom apartment at first and second floors (Use Class C3, construction of elevation and installation of windows to front of carport

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?	N
	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
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	Grant subject to conditions
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CHECKED AND SIGNED OFF BY: RG

DATE: 08/04/2024

SITE

The application relates to 1 Hartley Street, a three storey detached building that is also a Grade II listed building. It is a stone built building with slate tiles. The building occupies a prominent position within the street scene, on the corner of the busy Rochdale Road and Hartley Street.

The Listing description states as follows:

“House. Late C18. Hammer-dressed watershot stone with graduated stone slate and slate roof. Single-depth plan with 1 bay and 3 storeys. Original entrance (now blocked) on Hartley Street with square-cut surround and 3-light flat- faced mullion window to right. 6-light mullion windows on upper floors have continuous sill bands. Square eaves gutter brackets. Gable and ridge chimney stacks. Door in left gable with former sash windows above (now casement or blocked). “

PROPOSAL

The application proposes to change the use of the building from the existing use as a dental laboratory (Use Class E) to a beauty salon at ground floor level which would include converting the car port to additional salon room. The application seeks to change the use and convert the first and second floor into a two bedroom flat.

To create the beauty salon and flat, a wall and window will be constructed to enclose the car port.

Internal works will also be undertaken. These would consist of partitions of the ground to allow for the occupiers of the flat to have a separate access using the existing door to the rear. An opening would be created in the existing building to allow for internal access to the proposed salon rooms (presently the car port) plus additional partitions internally for the proposed beauty salon. A separate WC would be created on the ground floor and a new kitchen on the first floor.

The application proposes to place two timber bin stores to the side elevation of the existing carport to store bins for the proposed flat and proposed beauty salon.

The application has been submitted in tandem with a full planning application 22/01178/FUL.

RELEVANT PLANNING POLICY

Planning (Listed Building and Conservation Areas Act) 1990 (as amended)

Section 66 of the above Act states 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.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
E2	Increasing jobs and prosperity
SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
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
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
SD1	Delivering sustainable development
DM1	General Development requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

88/D21675	Change Of Use To Nursing Home. Application withdrawn.
88/D21677	Change Of Use To Residential. Decision: Approved.
88/D21678	Change Of Use To Offices. Application withdrawn.
89/D23014	Conversion Of Former Club Premises Into Private Dwellinghouse And Erection Of Car Port To Side Of Building. Decision: Grant unconditionally.
89/D23015	Three Dwellinghouses. Decision: Approved.
94/D30947	Change Of Use From Dwellinghouse To Dental Laboratory. Decision: Approved.
22/00230/LBC	Change of use and conversion from dental laboratory (use class E) to one dwellinghouse (use class C3) including new kitchen. Decision: Grant subject to conditions.
22/00229/FUL	Change of use and conversion from dental laboratory (use class E) to one dwellinghouse (use class C3).

Decision: Grant subject to conditions.

22/01178/FUL

Change of use and conversion from dental laboratory (Use Class E) to beauty salon at ground floor including conversion carport to additional salon room with a 2 bedroom apartment at first and second floors (Use Class C3, construction of elevation and installation of windows to front of carport. Under consideration.

CONSULTATION RESPONSES

Conservation And Design

Change of use: the proposed use could in principle take place without harming the significance of the heritage asset.

Insertion of new window on south facing elevation: The proposal includes the installation of a new ground floor window onto the Rochdale Road elevation. The installation of a window in this location would result in less than substantial harm to the significance of the designated heritage asset.

Infilling of the carport: These works have already partially taken place, with only the windows left to install and the roof to reinstate. The works to infill the frontage are in principle acceptable. To ensure that this element has a neutral impact on the significance of the heritage asset, further details are required. Details of windows, confirmation that fascia boards and gutters will be timber to match the existing with metal downpipes and that the existing roof materials will be reused.

New access to car port: These works have already been done. The new access has been created by removing the existing chimney breast. The submitted heritage statement states that this external wall was reconstructed, when the attached dwellings were demolished in the 1980s. Externally, the stonework of this elevation does appear cleaner and less worn than the existing. However, it is not known whether this wall was rebuilt in its entirety and whether the chimney was also a modern rebuild. As the chimney breast has been removed, there is now no way to know whether the work carried out to date has resulted in harm to the significance of the heritage asset.

New walls and layout changes: The installation of this subdivision has resulted in some loss of legibility of the space as, originally the building would have read as one unit. The use of concrete breeze blocks is also not compatible with the traditional construction of the building and has resulted in some harm.

Internally, new partitions have been installed at ground floor level. It is acknowledged that the existing ground floor had already been subdivided. As such, in principle, alterations to the existing subdivisions are unlikely to result in any further harm to the significance of this space.

New services: The submitted plans show a new kitchen at ground floor level and WC. Details of the service runs are required up front. New holes have been made in the exterior of the building, including the western, Rochdale Road elevation. These details should be shown on the plans and clarification provided regarding their proposed function.

The creation of new vent holes in prominent locations is not considered to be compatible with the special interest of the building and these should be repaired. A strategy should be provided for new services, taking opportunities to minimise any

new openings. Where new openings are unavoidable, these should be located as discreetly as possible to minimise their visual impact.

Joint Committee Of National Amenity Society

No comments received to date.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours, a site notice was placed in the vicinity of the site and a press notice was released. No response were received.

ANALYSIS

Impact on Heritage Assets

Policy P2 of the adopted Core Strategy states that the Council will protect the Borough's heritage by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

'Significance' with regard to heritage assets is defined by the NPPF as:

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

The setting of a listed building is defined by the NPPF as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

Paragraph 203 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the NPPF states that in considering the impact of a proposed development, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration of a heritage asset and as they are

irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional.

Paragraph 207 of the NPPF directs that where a proposal would 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 Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC* [2014] (2) clarified that decision makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise’.

Assessment of Harm to the Listed Building

No.1 Hartley Street is a Grade II listed building. The main significance of the listed building is its special architectural and historic interest. The building retains a number of original features, including the weaver’s windows at both first and second floors. The building has an attached carport which appears to have been constructed under planning permission 89/D23014.

It is noted that the existing use of the building is as a dental laboratory and previously the building was used as a house. Considering the nature of the proposed beauty salon use, it is considered that the proposed change of use would have a neutral impact on the setting of the heritage asset.

The proposal would see the main element of the external work undertaken on the carport which as noted above is a modern addition. The application proposes to block up the carport with stone and install timber framed windows. The window design would mimic that of the rest of the building with three separate windows enclosed by stone surrounds. Details of the window frames has been provided and the Conservation Officer has considered these to be acceptable. In regards to previous services access holes, these will be made good. The plans state that it should be made good with local sandstone to match the existing. The stone should be appropriately raked out and pieced in sympathetically, so as to blend in with the existing elevations. The application proposes that all stonework will match that of the existing stone, however, it is considered prudent to attach a condition requiring the stone to match the existing.

The plans state the mortar repointing will be done with lime mortar and where cement mortar had been used, this will be raked out and lime mortar used instated. Limelite Heritage Lime mortar will be used. This is considered to be acceptable. In regards to the slate, the existing slate will be reused however, it is considered appropriate to include a condition requiring matching slate to be used where existing slate needs to be replaced.

The applicant has also confirmed that fascia boards be timber and will match the existing. Downpipes will be metal and conservation type air vent covers will be used. This is considered acceptable, however it is considered prudent to condition the rainwater goods to be metal and painted black.

The application originally proposed to create a new window opening on the southern elevation facing towards Rochdale Road. There are three existing openings on this elevation, positioned at the same location on each floor and directly above the door. The installation of a new window on this elevation, directly below the chimney would have disrupted the existing pattern of fenestration, along this prominent elevation and have required the removal of historic fabric. The installation of a window in this location would have resulted in less than substantial harm to the significance of the designated heritage asset. The proposal was subsequently amended and the window was removed from the proposal.

The application proposes timber bin stores to be located to the side elevation of the existing carport. These are considered to be acceptable.

With regards to the internal works, the internal partitions will be constructed using stud partitions. The partition of the stairs to the flat and the proposed beauty salon will be also be constructed using timber. The proposal would also see a new access created between the listed building and the carport. To allow for the alteration the existing chimney breast has been removed. The submitted heritage statement states that this external wall was reconstructed when the attached dwellings were demolished in the 1980s. It is noted that externally the stonework of this elevation along with the chimney do appear to be cleaner and less worn than the existing. Furthermore, it is noted that the chimney does differ in size and design from the chimney on southern side of the building. From the available information it does appear that the wall and chimney were most likely later additions, albeit due to these works having already been undertaken, it is not possible to confirm with complete accuracy.

To allow for the opening between the carport and the rest of the building as well as to create a door for the proposed water closet, the application proposes to use concrete lintels. These are considered to be acceptable. Furthermore, it is noted that the structural report states structural integrity is intact and there were no signs of bowing or bowing. Additionally, there were no visible signs of large cracking other than some small superficial movement cracks that are common on a building of this age, height, and location. In regards to the carport, the report concluded that it also appeared to be structurally sound, well tied in and plumb. The report added that the floor joists that could be inspected appeared to be replacement joists. It was noted that the purlins were warped and bowing, however it was common with buildings of the age and was still structurally sound. Overall, the building did not require any major structural alterations and was in an excellent structural condition and the structural movement and integrity breach is extremely low.

Impact on Listed Building - Balancing Exercise

The NPPF requires, where harm to a heritage asset is identified, that a balancing exercise is undertaken with respect to the public benefits of a scheme. Paragraph 205 of the NPPF requires great weight to be given to the assets conservation. Where a development would lead to less than substantial harm to a designated heritage asset, Paragraph 208 of the NPPF requires Local Planning Authorities to consider this harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Council's Conservation Officer reviewed the submitted plans and initially raised concerns regarding numerous elements of the proposal. Subsequently, additional information was provided and alterations to the proposal were made. Alterations were made including the removal of the Rochdale Road window as well as other minor amendments and provision of additional detailed information with regards to the materials used internally and externally, and the existing structure.

In regards to the carport, it is noted that it is a later addition and has no heritage value and is not of any particular architectural value. The addition of the windows which would match the design of the windows on the listed building, would add some architectural interest to the carport and overall are considered to represent an improvement in its design. As such no heritage harm arises from this element of the proposals.

The removal of the chimney breast as well as creating the opening in the existing elevation raised some concerns. It is however noted in the supporting heritage statement that elevation was rebuilt when the adjoining properties were demolished. The supporting statement argues that as this was this elevation was rebuilt, no historic fabric will be disturbed and therefore there is no harm. As noted by the Conservation Officer, as this part of the work had already been undertaken, it is unclear whether this element was original or not. It is noted that external elevation and the chimney stack are modern additions. However, this does not necessarily mean that the internal chimney breast was also reconstructed. Without evidence to show this, it cannot be assumed that it was reconstructed. As such, a precautionary approach requires the assessment to consider the worst case scenario that alterations were made to the original chimney breast. In that case, the proposed alterations in removing the chimney breast and inserting an opening would result in less than substantial harm to the listed building.

The building is presently empty. It is noted that planning permission has been granted for the change of use for the building to a residential use (22/00230/LBC/22/00229/FUL). The application proposal seeks to make external alterations to the carport to incorporate design features that would be more sympathetic to the listed building and present visual improvement externally. Furthermore, the proposal would allow for commercial use to be retained on the ground floor with a residential use on the upper floors, both of which have been present in the building historically. This would allow for a viable long term mixed use for the listed building to be secured. This would be a public benefit.

The NPPF directs local planning authorities to give great weight to an asset's conservation. Given the limited elements identified as causing less than substantial harm, and in the context of this harm being potentially theoretical, it is considered that the public benefits associated with the refurbishment and the repairs and bringing the vacant building back into use would outweigh the less than substantial harm identified to its significance. The application is therefore considered to accord with policies P2 and P3 of the Core Strategy, in accordance with the balancing exercise required by the National Planning Policy Framework, the identified harm to the significance of the Listed Building is considered less than substantial, and is outweighed by the public benefits provided by the proposal. The Local Planning Authority has therefore carried out the duty in accordance with the Planning (Listed Building and Conservation Areas Act) 1990 (as amended) and the application is subsequently recommended for approval.

RECOMMENDATION

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:-
 - Site Location Plan
 - Existing & Proposed Block Plans. Drawing no: 22.2802.3
 - Existing Details. Drawing no: 22.2802.1B
 - Proposed details. Drawing no: 22.2802.2E
 - Proposed Construction Details. Drawing no: 22.2802.4

and the development shall be carried out in complete accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the saved Rochdale Unitary Development Plan, the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. The existing slate shall be reused in the construction of the hereby approved development. All additional slate used in the construction of the hereby approved development shall match the existing slate in size, colour and texture.

Reason: In order to preserve the historic fabric and architectural quality of the listed building in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

4. The stone used in the external works as detailed in the hereby approved plans shall match the existing stone in size, colour and texture.

Reason: In order to preserve the historic fabric and architectural quality of the listed building in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas Act) 1990 (as amended).

5. All new windows shall be of timber construction, and in accordance with the submitted plans 'Timber Window and Door Details (Drawing No. 22.2802.5)' and 'Proposed Details (Drawing no: 22.2802.2E)'. The windows and doors shall be retained and maintained as such thereafter.

Reason: To protect the significance of the listed building and in the interests of visual amenity, in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas Act) 1990 (as amended).

6. All replacement rainwater goods shall be metal and finished in black to match the existing. The rainwater goods shall be retained as such thereafter.

Reason: To protect the significance of the listed building and in the interests of visual amenity, in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, the National Planning Policy Framework and the Planning (Listed Building and Conservation Areas Act) 1990 (as amended).

Procedure Statement

The Local Planning Authority worked 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.