

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01515/LBC	Jake Powell	15/03/2023

Address: The Old Duke, 10 Ealees, Littleborough, OL15 0HJ

Proposal: Reinstatement of four bricked up windows on the front elevation.

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

RECOMMENDATION	GRANTED (SUBJECT TO CONDITIONS)
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CHECKED AND SIGNED OFF BY: LA

DATE: 22.03.23

SITE

The application relates to the Grade II listed The Old Duke. Constructed in 1820 for Edmund Kershaw, a local engine maker, the property consists of a hammer-dress

water shot stone three storey structure, with a graduated stone slate roof. In 1860, the house was used as a Public house "The Duke of York". It continued to be used as a Public House until just after the Second World War and has been used as a dwelling since.

The site is within the Defined Urban Area, although it is on the boundary of Green Belt land.

PROPOSAL

The application proposes the installation of four timber windows on the front elevation of the dwellinghouse, two to the left and two to the right of the existing windows at second floor level, within an area of concrete render.

The application also seeks listed building consent for the removal of the existing concrete render on the front elevation at second floor level, replacing it with a lime based render.

RELEVANT PLANNING POLICY

Legislation

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

National Guidance

National Planning Policy Framework (NPPF) – July 2021
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO3	Improving design, image and quality of place
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development

DM1 **General development requirements**

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
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RELEVANT SITE HISTORY

No relevant site history.

CONSULTATION RESPONSES

Conservation

The application relates to the Grade II listed The Old Duke. Constructed in 1820 for Edmund Kershaw, a local engine maker, the property consists of a hammer-dress water shot stone three storey structure, with a graduated stone slate roof.

The front elevation is symmetrical with quoins, a central door and six or four-pane sash windows to the first and second floor. Two of these windows were replaced with casement windows in the 20th Century and reinstated as sash windows in the early 1980s.

The continuous workshop window to the second floor which consists of 12 flat-faced mullioned lights has largely been infilled and rendered over in a cement render, with currently only four lights with painted hardwood casement windows.

The infilling and rendering of the workshop window has occurred in a number of phases, made apparent by the infill materials used which are visible internally. The outermost lights have been infilled with random coursed stonework suggesting this was done at an earlier date to the lights adjacent to the existing windows which were infilled using brickwork. It is assumed the infilling of the windows occurred over time to suit the demands of the workshop space, likely when natural light became less of a necessity than the additional wall space to house machinery.

In 1860, the house was used as a Public house "The Duke of York". It continued to be used as a Public House until just after the Second World War and has been used as a dwelling since.

The site has evidential value for the use of local materials and construction of the time, as well as historical value due to its connections with Edmund Kershaw, a local engine maker, which is reflected in its Grade II listing.

The application proposes the installation of four windows on the front elevation, two to the left and two to the right of the existing windows at second floor level. The proposed choice of material would be timber.

When making a decision on all listed building consent applications, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to 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. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

NPPF paragraph 199 states that 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.

NPPF paragraph 200 states that 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.

Paragraph 202 states that 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.

This is reiterated at a local level by Rochdale CS policy P2, which seeks to protect the borough's heritage. This policy seeks to conserve, enhance and promote key heritage assets, which includes Partnership House.

The proposed development would retain the symmetrical appearance of the front elevation of the heritage asset, whilst proposing a proper choice of materials and design to match the existing windows. It is also noted that the area of the original windows which the proposal partly replaces has been improperly infilled over time with a poor choice of concrete, resulting in an unsympathetic alteration. The proposed removal of this concrete and replacement with a lime based render would also be an improvement. It should be noted though, that a more beneficial material choice would be brickwork to match the existing.

Subject to conditions for timber windows painted white, the use of a lime based mortar and a sample of the render to be submitted and approved, the proposed development would enhance the significance of the designated heritage asset.

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 responses have been received.

ANALYSIS

The application relates to the Grade II listed The Old Duke. Constructed in 1820 for Edmund Kershaw, a local engine maker, the property consists of a hammer-dress water shot stone three storey structure, with a graduated stone slate roof. In 1860, the house was used as a Public house "The Duke of York". It continued to be used as a Public House until just after the Second World War and has been used as a dwelling since. The site has suffered from some unsympathetic infilling of windows on the front elevation at second floor level. The site has evidential value for the use of local materials and construction of the time, as well as historical value due to its connections with Edmund Kershaw, a local engine maker, which is reflected in its Grade II listing.

Paragraphs 126 and 130 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Paragraph 197 of the NPPF states that *"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 200 of the NPPF states that 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.

Paragraph 202 states that *'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.'*

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the 'preservation' or 'enhancement' of the special architectural or historic interest of the heritage asset or its character and appearance. The NPPF sets out in Chapter 16 of the document decision-making policies using different terminology, referring in particular to 'conservation of significance'. It is important to note that 'conservation' and 'preservation' are concerned with the management of change in a way that sustains a heritage asset's special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

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. Saved UDP Policy BE/17 only permits development that preserves or enhances the character and appearance of the conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Policy P3 of the adopted Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. Policy DM1 of the Core Strategy states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations.

The proposed works include the reinstatement of four windows to match the existing windows in style and finish, in place of a section of existing unsympathetic rendering. Considering windows were initially existing along this entire section of concrete rendering on the second floor of the front elevation, the proposal would partly revert the appearance of the front elevation of the building to its original state, allowing the architects original intent to be clearer. The proposed windows would therefore have an acceptable impact on the character and appearance of the site and surrounding area, whilst would also be of a heritage benefit, enhancing the significance of the designated heritage asset.

Furthermore, the application seeks consent for the replacement of the existing windows at second floor level on the front elevation with like for like replacements. Considering that these windows are not original, and that the proposed window design is appropriate, this element of the application is considered acceptable, which would result in a neutral impact on the significance of the heritage asset. However, it would still be considered appropriate to attach a compliance condition to the consent in the event of approval to ensure these all new windows should be painted in a white finish.

The application also seeks consent for the removal of the remaining area of concrete render on the front elevation, to replace it with a hydraulic lime render or hot lime render. In a similar view to above, this element of the proposal would result in the removal of an unsympathetic alteration to the asset. Whilst it is noted that in the past, brickwork was used to infill the area of unrequired window space (as seen in Photograph 5 of the supporting Heritage Impact Assessment), which would be a more sympathetic choice, the removal of the area of concrete and replacement with a lime based mortar would still be considered to enhance the significance of the heritage asset. Nevertheless, it is considered appropriate to attach a condition to the consent in the event of an approval for samples of the proposed lime based rendering to be submitted to and approved by the Local Planning Authority.

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 199 of the NPPF requires great weight to be given to the assets conservation. As it is considered that no harm has been proposed, it is not necessary to perform a balancing exercise, and as such, it is considered that the proposal would accord with the requirements of Policies DM1, P2 and P3 of the Adopted Core Strategy, the relevant paragraphs of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act.

RECOMMENDATION

GRANT (SUBJECT TO THE FOLLOWING CONDITIONS):

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 consent relates to the following list of submitted plans, drawings and documents:-

23-001 001 Location Plan
23-001 310 Proposed
Method Statement

and the works shall be carried out in accordance with these drawings and documents hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of works 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. All new windows shall be of timber construction, and finished in white to match the existing windows, and thereafter so maintained.

Reason: To protect the significance of the Borough's heritage assets and in the interests of visual amenity, in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. No works to the rendering shall take place until such time as a sample of rendering to be used in the construction of the proposal has been submitted to and approved in writing by the Local Planning Authority. All new rendering shall thereafter match that of the approved panel.

Reason: To protect the significance of the Borough's heritage assets and in the interests of visual amenity, in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. All pointing work shall be carried out in lime based mortar.

Reason: To protect the significance of the Borough's heritage assets and in the interests of visual amenity, in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.