

APPLICATION NUMBER: 22/01077/LBC

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01077/LBC	Rosalind Gralton	22 March 2023

Address: Land Opposite The White Hart, 701 Heywood Old Road, Middleton, OL10 2QL

Proposal: Dismantling, rebuilding and repair of grade II listed drinking fountain and trough in new location. Installation of 1.2m high railings

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/A
-----	--	-----

CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
----------------	-----------------------------

CHECKED AND SIGNED OFF BY: LA

DATE: 06.04.23

SITE

The site relates to a listed structure; grade II listed drinking fountain and trough designed by Edgar Wood, located on a parcel of land on the southern side of 701 Heywood Old Road, and adjacent to The White Hart Public House.

The structure's listing is as follows:

'Drinking fountain and horse and dog drinking troughs. 1888, relocated late C20. By Edgar Wood, architect for Messrs W.C. Wood and Bros, textile manufacturers. Ashlar gritstone and red brick. Depressed semi-circular arched structure rising from shallow gabled buttresses. The arch is supported by a square pier, rising from a red brick base, and which passes through the arch centre, the arch head carrying gablets either side of the pier. Moulded flat cap to pier, with small dome finials to corners. Located between the central pier and the outer buttresses are two stone troughs. HISTORY: The trough was designed to commemorate the completion of a new weaving shed at Messrs. Woods' textile factory, and donated to the people of Birch. It was relocated and repaired of a site close to its original location following a road widening scheme.

Listing NGR: SD8513707748'

The site is located within the Birch Conservation Area, and adjacent to Non-Designated Heritage Assets;

- The White Hart Hotel
- 618 to 620 Heywood Old Road
- 622 to 626 Heywood Old Road
- 640 to 652 Heywood Old Road
- 531 to 535 Langley Lane

PROPOSAL

The proposal seeks to dismantle the trough and reinstate it to the south-east on the other side of Heywood Old Road, adjacent to an area of green space. The trough would be reinstated, with a new 1.2m high cast metal fence around the boundary of the green space and encircling the trough on three sides.

RELEVANT LEGISLATION AND PLANNING POLICY

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16(2):

"In considering whether to grant listed building consent for any works the local planning authority or 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 Planning Policy Framework (NPPF)

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Adopted Rochdale Core Strategy (CS):

Policy P2 – Protecting and enhancing character, landscape and heritage

Unitary Development Plan (UDP):

No relevant policies

RELEVANT SITE HISTORY

None in direct relevance to the trough or proposed relocation site.

CONSULTATION RESPONSES

Conservation And Design

Comment summary provided below:

'The relocation of listed structures would not normally be supported, as in many cases it would result in substantial harm to significance. However, this case is considered to be exceptional, having regard to the asset's previous relocation, its state of repair and the level of risk it is placed under in its current location. Without mitigation being secured by condition, the proposal would risk resulting in a high level of harm to the significance.'

However, subject to appropriate mitigation and detailing, the proposed relocation would result in less than substantial harm to the significance of the heritage asset. It is considered that this harm would be clearly outweighed by the public benefits of the proposal.

The proposed works to relocate the trough offer an opportunity to protect and safeguard this important heritage asset in a location close to its original setting. Subject to the repairs and appropriate protection measures being taken, and the installation of interpretation, the proposal would realise substantial public benefits.

The relocation would comply with the requirements of NPPF chapter 16. Subject to mitigation and appropriate conditions, it would preserve the listed building, and is considered to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Further details and justification are required in relation to the proposed railings to ensure that the requirements of NPPF chapter 16 and the 1990 Act are met.'

Historic England

No comments to make.

Greater Manchester Archaeological Advisory Service

No objections. Response copied below:

'The application is supported by a Heritage Statement (HS) compiled by Jenny Wetton Conservation in August 2022. The HS gives a detailed overview of the proposals, comprising the dismantling, repair and rebuilding of a Grade II Listed drinking fountain in a new location. The HS also provides a useful historical background concerning the commissioning of the drinking fountain by Middleton architect, Edgar Wood, a good description of the former location of the fountain, and a decent appreciation of the current form and location of the structure within the Birch Conservation Area.

The HS acknowledges that the significance of the structure has already been impacted upon by its original relocation and piecemeal changes to its form, function, and setting. It is also acknowledged that any structure is most at risk when being

moved and that measures ought to be in place to minimize further risks to it. In section 6.2 "...it is recommended that a full condition survey be undertaken by a qualified and experienced historic buildings surveyor who should also develop a method statement for the relocation and any recommended repairs and consolidation work". The detailed photographic record and descriptions contained within such a survey would equate to a scheme of low-level building recording, which could be added to the Historic Environment Record to increase our knowledge.

GMAAS defer to the Conservation Officer for Rochdale Borough Council regarding the formation of an appropriate mitigation strategy to suit the structure and Conservation Area. However, one aspect that could be explored is for the addition of some form of information panel to be incorporated into the design of the railings that are proposed to be erected around the structure following its repair and relocation. This need not be very large, but could include details regarding the structure's history, the name of the original architect, its original function, and history of former locations. This might, in some small way, bring back some of the context that has been lost and revitalise interest in the historic structure'

Joint Committee Of National Amenity Societies

No comments received to date

Gtr Manchester Ecology Unit

No objections.

Legal -Snowber Baig

Comments received. No objections.

'I note that the monument was built in 1888 and it was relocated and repaired of a site close to its original location following a road widening scheme late C20. Therefore relocating it again should not have any legal implications.'

REPRESENTATIONS

The application was publicised by way of neighbour notification and site notice and press notice. No responses were received.

ANALYSIS

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant listed building consent for any works, 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. Similarly, Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The applicant has submitted a detailed heritage statement in line with the requirements of NPPF paragraph 194.

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 198 states that *"in considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning*

authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.'

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. Substantial harm to or loss of grade II listed buildings should be exceptional.

Paragraph 201 goes on to say that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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.'*

Paragraph 204 of the NPPF states that *"local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred"*.

Paragraph 205 of the NPPF states that *"local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted"*. Additionally, paragraph 193 states that *"Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible"*.

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.

Rochdale CS policy P2 deals with *'protecting and enhancing character, landscape and heritage'*. Paragraph 2a states that the borough's heritage will be protected by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory. Key heritage assets include the borough's listed buildings.

Significance

Birch Village developed after the construction of Birch Mill to the north in the early 19th century. The village developed with a strong linear focus along Heywood Old Road. Eminent local architect Edgar Wood was commissioned to design the trough in 1888. It is understood that the trough was given to the people of Birch to commemorate the completion of a new weaving shed at Birch Mill.

The trough was originally installed to the south of its current position. It was also a taller structure, with a rectangular water trough in front of the sculpture and a lamp on top. It is not entirely clear when the trough was moved to its current location, although it is likely to have been in the 1920s. The submitted heritage statement includes a plan from 1922, which showed the trough proposed to be moved to its current location, as part of works to alter the road junction. It is likely that the water trough was removed when it was relocated. By 1929, the drinking trough is no longer shown on the OS map.

The submitted heritage statement, and consultation response from the Conservation Officer concurs the trough as being of high significance, and the current location does not contribute to that significance, due to previous relocation. While it is acknowledged the current location of the trough has been the trough's location for much of its lifespan, it is considered any significance the trough derives from the current location is low.

The proposal seeks to dismantle the trough and reinstate it to the south-east on the other side of Heywood Old Road, adjacent to an area of green space. The trough would be reinstated, with a new 1.2m high cast metal fence around the boundary of the green space and encircling the trough on three sides, with the one open side adjacent to the adopted highway.

The proposal seeks the dismantling, repair, restructure and relocation of the trough. The Conservation Officer's consultee response states the dismantling of the structure and relocation presents a degree of risk to the structure, and without appropriate measures, the structure could be damaged during the dismantling or rebuilding works, or lost if not correctly stored. Additionally, the designated heritage asset would be removed, albeit for a temporary period.

Therefore, without measures to mitigate harm secured condition, the proposal could risk substantial harm to the significance, and therefore Paragraph 200 and 201 of the NPPF detailing any harm should be 'exceptional' and would require 'clear and convincing justification' are relevant in this instance.

It is considered details and measures secured by condition would be able to ensure the level of harm and likelihood of risk to significance is much reduced. While there would be some loss of evidential value from the dismantling and rebuilding works, the works to relocate the trough in its new position would not diminish the other aspects identified above, which contribute to its significance, including its architectural and historic values and association with eminent architects Edgar Wood. This is particularly the case, given that the trough has already moved, and any significance it derives from its current location is low. By the application of conditions to mitigate the risk, and the inclusion of some interpretation (such as a plaque or board), the level of harm to the significance of the heritage asset would be less than substantial and the provisions of NPPF paragraph 202 would apply. The level of harm would be reduced to low, in this instance only.

In the instance the level of harm is mitigated by appropriate conditions, the harm would be reduced to low. As such, paragraph 202 of the NPPF is engaged, and therefore the harm should be weighed against the public benefits of the proposal.

In its current position, the trough is close to the carriageway of a busy highway, almost directly opposite the junction. The heritage statement notes that the trough has previously been hit by a vehicle, resulting in some damage to the stonework. The proximity to the highway and spray from passing vehicles has also exacerbated erosion of the stonework in places. In its current position, there is a real risk of damage or loss of historic fabric. The proposed location would be in front of an area of green space on the other side of Heywood Old Road. This position would be slightly further from the junction and would be set back slightly from the highway edge. The new location would reduce the risk to the structure from vehicle damage. The provision of railings would also add an additional layer of protection to the asset. Additionally, the trough is not in its original position and therefore the loss of significance derived from its current location is low. The new location would be slightly closer to its original position, and is located in a more appropriate setting. The new location would still be prominent within the Conservation Area and its ties to the area would still be clearly legible.

Additionally, the trough is currently in a poor state, exacerbated by its location and proximity to oncoming traffic and vehicles. The proposed repair works are urgent and subject to use of appropriate materials, would constitute a significant public benefit to the scheme. As such, a detailed schedule covering dismantling, protection, relocation, rebuilding and repair has been secured for LPA approval by condition. This also includes timeframes to minimise the amount of time where the asset is removed.

Other conditions should include the installation of an interpretation panel and details of any plinth/stand and landscaping around the asset.

This exceptional case, having regard to the asset's previous relocation, its state of repair and the level of risk it is placed under in its current location, the proposed works offer an opportunity to protect and safeguard this important heritage asset in a location close to its original setting. Subject to the repairs and appropriate protection measures being taken, the proposal would realise substantial public benefits

As such, it is considered the identified public benefits of the scheme would outweigh the less than substantial harm caused in this instance.

In relation to the proposed conservation area, the trough is an important feature, and subject to the mitigation measures secured by condition, it is considered any harm would be 'negligible'.

The proposed railings are acceptable in principle, and further detailing and specification of this is required via condition. It is considered that the proposed railings would result in less than substantial harm to the significance of the Conservation Area and the listed building. It is clear and convincingly justified regarding the railing's purpose in relation to protection of the listed structure, and the less than substantial harm as a result of the railings is mitigated through the use of appropriate planning conditions.

It is considered that the public benefits stemming from the programme of works as a whole would outweigh the substantial harm identified, and would comply with NPPF paragraph 202. When taken as a whole the works would preserve the special interest of the building and would not conflict with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION

Approve subject to 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 plans and documents

-Location Plan – 04 Rev A
-Elevations Plan – A1/200****/04
-Proposed Relocation of Trough Site Plan – Scheme -03 Rev D
-Heritage Statement by JW Conservation, dated August 2022

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of works.

3. No development shall commence until a detailed schedule covering dismantling, storage, repairs and reconstruction of the structure, including timeframes shall be submitted to and approved in writing by the local planning authority. This schedule shall also include a detailed photographic survey of the structure. The works shall be carried out in accordance with this approved schedule.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. No development shall commence until designs for an interpretation board to be located near to the relocated fountain (or incorporated within any railings) shall be submitted to and approved in writing by the local planning authority. The board shall be installed in accordance with the approved details within 6 months following the relocation of the fountain.

Reason: In order to ensure public benefits of the scheme are delivered and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Notwithstanding the indicative details shown on the proposed plans, prior to their installation, full details including scaled drawings and proposed materials for any railings shall be submitted to and approved in writing by the local planning authority. Thereafter the railings shall be installed in accordance with the approved details.

Reason: to ensure that the proposed railings are acceptable in their context and do not detract from the character and appearance of the Conservation Area or the setting of the listed building, in accordance with NPPF chapter 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Report Author Rosalind Gralton