

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/08/2024	Ref: 70823/LBC
Registration: 25/06/2024	LDFC: 25/07/2024	Expiry Date: 20/08/2024
Site Visit: 01/07/2024	Site Notice: 01/07/2024	Press Date: 04/07/2024
Objections: 0	Con Area:	Adv Type: ALB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed Building Consent - Refurbishment / repair of the existing pitched roof covering, including new / refurbished leadwork and inclusion of vapour permeable sarking felt and treated timber counter battens.

Location: The Lee, 635 Walmersley Road, Bury, BL9 5JA

Description

The application relates to a dwelling, The Lee which is located on the corner of a main road. The building is Grade II Listed, two storey and constructed in coursed rubble with blue skate roofs. Its heritage significance is derived in part from its architectural aesthetic and its relative intactness and prominent corner siting.

It is attached to Lee Court, a short row of terraced cottages which are also Grade II Listed.

It is proposed to repair/refurbish the existing Welsh slated, pitched roof, including defective leadwork and copings, which is allowing water ingress into the existing building. The applicant is seeking to overcome the problems of water ingress and condensation, which is affecting the internal timber roof structure and plaster finishes and leading to degradation of a Grade II Listed heritage asset.

The works of repair and refurbishment would be as follows:

1. Roof Slopes A, B, C, D, E & F. Careful removal of the existing mortar bedded, clay ridge and hip tiles, Welsh slates (note the existing spacing and gauge), existing stone coping / verge stones and set aside for re-use, replacing any broken / defective slates with matching Welsh slates of the same thickness and size. Remove existing timber slating battens and repair any rotten timber tongue and groove sarking boards with new treated timbers to match existing. Existing painted timber fascia boards to be retained / repaired as necessary. Remove / replace any defective lead soakers and flashings and replace with new lead sheet to codes 3 and 4 respectively and as Lead Sheet Association guidance.
2. Lay Proctor Air sarking felt over the existing sarking boarding and fix new treated timber (12.5 x 38mm) counter battens, using copper clout nails and fix treated timber slating battens (25 x 38mm) over, using copper clout nails and refix salvaged Welsh slates to match the existing spacing and gauge.
3. Refix existing clay ridge and hip tiles (bedded in lime mortar) and carefully dress down all leadwork and repoint using lime-based mortar.
4. All existing rainwater goods to be retained / refurbished as necessary. All existing mortar verges to be retained / extended / repaired as necessary.

Relevant Planning History

46595 - Listed building consent to clean and repoint stonework and clean and repaint

wrought iron fencing - Approve with Conditions 11/08/2006
52516 - Listed building consent for 13 no. replacement windows - Approve with Conditions 28/06/2010
67390 - Listed building consent for the removal of chimney and replacement of rainwater goods - Approve with Conditions 25/11/2021
12/0364 - Installation of UPVC windows - 10/09/2012
24/0297 - Erection of fencing on top of existing stone wall and erection of timber shed -

Publicity

Letters sent to 29 properties on 27/6/24

Site notice posted 1/7/24

Press advert 4/7/24

No responses received as a result of the publicity

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Pre-start Conditions - Not relevant

Development Plan and Policies

EN2/3	Listed Buildings
NPPF	National Planning Policy Framework
JP-P2	Heritage

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life

and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

EN2/3 - Listed Buildings - The Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features. Proposals for demolition will be opposed and will only be considered where it is demonstrated conclusively that the building(s) cannot be retained.

Paragraph 205 of the National Planning Policy Framework (NPPF) states 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. Paragraph 206 of the NPPF states 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:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 207 of the NPPF states 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 208 of the NPPF states 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 roof construction is of standard triangulated rafter, tie beam and purlins with sarking board.

The proposed sarking felt would be watertight and permeable allowing the evaporation of moisture in the air preventing condensation and therefore protecting the roof timber and plasterwork from decay. This is acceptable as it would prevent any continuing decay protecting the fabric of the building and therefore the significance of the listed building.

The existing original Welsh blue slate roof covering would be retained and re-used. Any replacement slates shall be of natural matching slate.

The external pointing and lead work is considered to constitute repair or routine maintenance that would not alter the historic or architectural interest of the building and as such would not require listed building consent.

Any works found to be required that fall outside the scope of the listed building consent will require the written permission of the local planning authority.

As such the proposed works are acceptable for the preservation of the architectural and historic interest of the listed building and as such do not represent less than substantial harm requiring the weighing of public benefit.

As such the proposal would either comply with or not be contrary to adopted UDP policy EN2/3 - Listed Buildings, paragraphs 200, 205, 206, 207 and 208 of the NPPF and policy JP-P1 of PfE.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 This decision relates to drawings numbered Site plan - R-0539-02 rev A; R-0184-SLP, R-0539-03 Existing & Proposed Sections Through Roof, Equilibrium Architects Condition Survey dated 20th June 2024, Unreferenced & undated Equilibrium Architects Schedule of Works, Agreement Certificate 24/7147 - Proctor Group - Air Roof Tile Underlay and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The existing natural Welsh Blue slate roof covering shall be re-used in accordance

with the approved plans and documents and any replacement slate or slates shall be natural blue slate to match the existing.

Reason. In order to preserve the special architectural or historic interest of the building pursuant to Policies EN2/3, JP-P2 and the principles of the NPPF.

- 4 Any requirement found for maintenance, repair and alteration that would fall outside of the scope of the approved schedule of works, including the wholesale replacement of the existing roof timbers and roof covering shall be reported in writing to the Local Planning Authority before any of those additional works are carried out.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/8/24	DM	14/08/2024