

DELEGATED REPORT

Report by Mark Kilby	Date of report: 19/07/2024	Ref: 70507/LBC
Registration: 13/02/2024	LDFC: 27/03/2024	Expiry Date: 09/04/2024
Site Visit: 15/02/2024	Site Notice: 05/03/2024	Press Date: 22/02/2024
Objections: 2	Con Area: HOLC	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: LBAL

Proposal: Listed building consent for internal alterations to layout of main dwelling; tanking of cellar; replacement of ceiling/floor timbers; opening up of internal wall

Location: Plant Farm, Cross Lane, Ramsbottom, Bury, BL8 4LY

Description

The application site is a mid 18th century farmstead dwelling later extended built in the vernacular style. It is Grade II listed and is sited within Holcombe conservation area. It is best described in Historic Englands' listing description:

"1739, extended 1793. Coursed rubble in 2 builds, that of 1793 in larger, squared courses. 2 storeys. Original, right-hand section has 2 windows of 4 lights with flush mullions and surrounds. Drip-moulds over ground floor windows, the left-hand of which is taller, the sill having been dropped, perhaps in 1793. Doorway on left with large lintel inscribed "P/WA/1739" (referring to William Plant). Ledged door. Flush quoins. Height of this section raised by 3 courses in same build as later left- hand section. This has 2 double-light windows on ground floor and 3-light window centrally above, all with flush mullions. Flush quoins. Datestone "WM/W/1793" refers to Woodcock family who married into the Plant family. Stone slab roof. Rear has less regular mullioned windows, including transomed stair window".

It is acknowledged that listing descriptions are neither exhaustive or definitive as a buildings' understanding may evolve over time with the discovery of further evidence relating to the building and a greater understanding of any historical or architectural interest it may possess.

In this case, work has been carried out to the building internally, possibly resulting in the loss of or harm to its historic fabric, by previous occupiers as has been evidenced by online real estate agent images of the interior of the house when it was last up for sale, when it was purchased by the applicant in July 2023. The images clearly showed internal walls plastered, en-suite bathrooms and contemporary fixtures and fittings. The submitted heritage assessment of the building arrives at the same conclusion.

Historic Englands' listing description does not make any reference to any internal architectural or decorative fittings or fixtures or other features that would add to the buildings' architectural or historic interest and the Council has not been supplied with any evidence of such features having existed or having been removed either some time ago or more recently.

As such the Council considers the heritage significance of the building is derived from the buildings' age and the architectural interest of its external envelop and its setting in and contribution to the character and appearance of the conservation area.

The applicant has carried out internal works to the building without the benefit of listed

building consent and this application is for the retention of those works and for the tanking of the cellar. The works that have been carried out are as follows:

- Remodelling of existing first floor stud partition for the existing en-suite bathroom.
- Removal of non-historic internal timber staircase.
- Removal and replacement of woodworm infested ceiling/floor timbers.
- Opening up of internal gable wall opening up the 1793 extension to the rest of the ground floor living area.
- Removal of cementitious material from ground floor.

It is also proposed to tank the cellar at the rear with a pump and vent system to prevent the ingress of water causing damp issues.

Relevant Planning History

70396 - Internal alterations to grade 2 listed dwelling and outbuildings - Withdrawn - Invalid 22/01/2024.

Publicity

Press notice dated 22/2/24, site notice posted 5/3/24 and letter to nearby neighbours dated 15/2/24. The following comments have been received:

- The property has been destroyed internally and nothing remains of the history. I am unsure if any specific items were part of the listing however I am sure some must have. To destroy a property and then expect more money a value is not acceptable. I trust the correct process will be followed to deal with this situation where appropriate.
- There is no identifiable public benefit that might be gained and therefore NPPF paragraph 208 is not met.
- The idea presented in the additional submission from WCS that the harm of the gaping wall removal can be compensated for by leaving some random stones exposed and unfinished is wholly inappropriate as it would be totally inauthentic to the building's history. Only a full amendment to re-instate the removed ground floor wall of 1739 could begin to redress some of the harm to the building's significance.
- The removed ground floor wall of 1739 should be re-instated in order to restore the historical layout of the principal ground floor rooms as they had survived hitherto as this is significant to the understanding and appreciation of the building's history and architecture. Importantly, the re-instatement should be to the original wall thickness in order to properly represent the wall characteristic.

Statutory/Non-Statutory Consultations

Listed buildings - National Amenity Societies - Response received summarised as follows:

Historic Buildings and Places have responded with concern about the existing use of cementitious materials in addressing damp concerns and the loss of original timbers brought about by the infestation of woodworm in not allowing this situation to be a reason for wholesale removal/modernisation of historic timber and to the size of the opening up of the 1793 extension into the original 1739 house.

Historic Buildings and Places have not objected to the application but have recommend that "Submission of amended plans and additional information to clarify/ justify the above design and conservation concerns".

Pre-start Conditions - None.

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.

Legislative and Policy Framework -

Planning (Listed Buildings and Conservation Areas) Act 1990 –

Section 66(1) 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.

Section 16(2) states that 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.

The Bury Unitary Development Plan (UDP) –

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.

In considering applications for Listed Building Consent, the Council will have regard to the following criteria:

- a) the impact of the proposal on the historic fabric of the building;
 - the relationship of any extension to the Listed Building in terms of its height, size, design, and roofscape;
 - the need to protect the setting of the Listed Building;
 - the impact of associated ancillary facilities and infrastructure works.

National Planning Policy Framework (NPPF) –

Paragraph 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 201 of the NPPF states Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 203 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 205 of the NPPF 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.

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 208 of the NPPF 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.

Impact on the Listed Building -

The removal of infested/decayed timber could have necessitated a requirement for its recording or even creating templates of the original for their replacement before its removal as it was necessary to remove all infested timber. This has not been carried out. However there is no evidence provided that the removed timber was original to the building or that it made significant contribution to its architectural or historic interest by way of design or construction techniques. As such it is not considered the loss of timber causes any loss or harm to the significance of the building.

The opening up of the wall that was the original gable end into the 1793 extension has been carried out in order to increase living space area and to improve circulation and is seen as a legitimate evolution of the building providing modern living standards enabling the building to be kept in a viable sustainable use which is compatible with its conservation and in so doing conserving the building for future generations. The nibs will remain unplastered exposing the original stone preserving the legibility of the extension. As such while the opening up of the original gable would represent a loss of historic fabric the architectural and historic interest of the building will be maintained.

The continual accumulation of water in the cellar which has been identified as the cause of damp issues will be suppressed by its tanking. It will have pump and mechanical vent system which will be connected to the existing utility. This should effectively prevent the ingress of water resulting in the damp issues.

The removal of cementitious material is considered to be routine maintenance/repair which will allow the stonework to breathe naturally. The other works represent non-historic fabric and would be reversible.

As such the proposed works and works carried out by this applicant would preserve the architectural and historic interest of the building and therefore either comply with or not be contrary to adopted UDP policy EN2/3 - Listed Buildings, paragraphs 200, 201, 203, 205,

206, 208 of the National Planning Policy Framework and Policy JP-P2 Heritage of Places for People (PfE).

The Council is looking into further action to ensure that the works are carried out in a timely manner.

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 documents and drawings numbered Basement Waterproofing Detail - Proposed Plans and Sections - 2715 RAM 05 Detail Revision A, Damp Report - Porter Construction dated 11th June 2024, Tanking Commentary - WCS dated 21st June 2024, Revised Final Survey - Final V1 dated 04th June 2024 - WCS, reference P5090, Internal Redecoration, Existing and Proposed Plans and Elevations - 2715 RAM 02 Planning, Location Plan 1:1250 and the development shall not be carried out except in accordance with the drawings and documents 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	19/07/2024	HL -	19/07/2024