

DELEGATED REPORT

Report by Mark Kilby	Date of report: 17/11/2023	Ref: 70126/LBC
Registration: 29/09/2023	LDfC: 08/11/2023	Expiry Date: 24/11/2023
Site Visit: 17/10/2023	Site Notice: 17/10/2023	Press Date: 12/10/2023
Objections: 0	Con Area: N/A	Adv Type: ALB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: LBAL

Proposal: Listed building consent for replacement of 3 no. non-original windows on the first floor of the south elevation with like for like timber framed slimline double-glazed windows

Location: 3 The Stables, Scholes Lane, Prestwich, Manchester, M25 0NH

Description

The application site is the former Stable Courtyard block west of Nazareth House it is a Grade II Listed Building, dating from the late 18th century. It has reddish brown brick. 2-storey, built into slight slope and has a symmetrical front, comprising seven sash type windows with quadripartite glazing. The centre three are located within a slightly advanced section crowned by gable of pediment shape. There are three wide arches within the building with the middle one providing entry to the courtyard; the others, in end bays, are respectively blind and blocked, with 3-light window. The internal courtyard elevations are stucco rendered colour white, the external elevations are not rendered.

This Listed Building Consent application is for the replacement of three first floor non-historic timber windows to the front (south) elevation at No.3 The Stables.

The proposed replacement windows would be identical in appearance, like for like replacements and would have slimline 16mm thick double glazed units and internally beaded with a 25mm glazing bar. The existing set back in the reveal would be maintained as detailed in the submitted plan. They would be of a mock sash design with an opening top light with small horns to the upper mock sash.

Relevant Planning History

68649 - Listed building consent for replacement of 2 timber sash windows - Withdrawn - Invalid 04/11/2022.

Publicity

Letter to adjacent and nearby addresses dated 10/10/23, Press Notice 12/10/23 and Site Notice 17/10/23. No objections or comments received.

Statutory/Non-Statutory Consultations - None.

Pre-start Conditions - None.

Unitary Development Plan and Policies

EN2/3	Listed Buildings
EN1/2	Townscape and Built Design
NPPF	National Planning Policy Framework

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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy 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.

Policy - The Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended), Paragraphs 199 to 206 of Chapter 16- Conserving and enhancing the historic environment of the NPPF, imposes a duty upon the Local Planning Authority to protect the significance of designated heritage assets and to give great weight to the assets' conservation. UDP Policy EN2/3 - Listed Buildings seeks to consider the relationships of proposed development to the architectural and visual qualities of Listed Buildings and their setting and by not permitting works, alterations or changes of use which

would have a detrimental effect on their historical or architectural character and features.

Listed Building - Windows and their materials, proportions and design are key to how buildings are viewed. The proposed frames would be a 'like for like' replacement, incorporating traditional detailing such as beading and reveal set back. Being constructed of timber and set within the reveal, the traditional proportions and sections would be achieved and retained, and thereby characteristic of the historic building. It should be noted however the windows are not technically historically accurate in that sash horns and top opening lights are not period features. However all of the windows in each external elevation of the stables has the same window design as that of the application building and as such this creates a visual homogeneity which would be maintained. Forcing one property at a time to change to a more historically accurate design would cause visual disharmony to the elevation and fenestration pattern, causing harm to the existing architectural and aesthetic significance of the buildings' external elevations.

As such, it is considered that the proposed replacement frames and glazing would be acceptable as they would not harm the significance of the building and would retain the historical and architectural character and features of the Listed Building and therefore be in compliance with UDP Policy EN2/3 and the NPPF.

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 Location Plan 3-001, Existing Window & Section Details 3-100, Proposed Window & Section Details 3-200 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	17/11/23		