

Application Recommended for APPROVAL

Daneshouse with Stoneyholme Ward

LBC/2021/0778

Application for Listed Building Consent

Urgent Remedial works to expose and address dry rot outbreaks and associated structural weakening (retrospective application)

18-24 NICHOLAS STREET BURNLEY

Applicant: Burnley Borough Council

The Application Property:

This application relates to the vacant former Council Offices at Nos 18-24 Nicholas Street which forms part of a terrace of historic buildings on the eastern side of the street and contributes to a group of late Victorian and Edwardian commercial and public buildings within the Burnley Town Centre Conservation Area. The property was originally two separate buildings dating from c.1866-69 including the Poor Law Union (No 18-20) and Oddfellows Club (No 22-24). It is constructed from sandstone embellished with stone dressed details under a hipped slate roof and its accommodation is arranged over three floors (plus basement). It is noted for its Florentine revival style, a bold design characteristic of higher status town centre buildings of its time which emphasises the importance of the buildings and wider terrace in the otherwise architecturally modest street.



(Image c. Google Maps)

Summary of Heritage Significance:

The application property is a heritage asset of high significance, reflected in its Grade II listing. The nature of this significance is derived primarily from its architectural and historic interest. On the first count it holds value for its proportions, rich sculptural embellishment and fine craftsmanship, being heavily influenced by the Italianate style of architecture, which combine to form a distinguished example of mid-Victorian civic architecture and show the buildings to be of some status. The property also holds local historic and evidential interest for its role in the civic governance of the town and connections to the friendly societies movement which has a long history within Burnley. It has group value with the wider terrace as a cohesive architectural composition built to the designs of notable local architect William Waddington.

Internally, the plan form and fabric has been substantially altered such that it does not make any meaningful contribution to overall significance of the listed building. From the limited number of surviving internal period features, the former council chamber/court and principal (northern) staircase/entrance hall to Nos 18-20 are considered to be of most interest.

The property has been vacant since 2013 and despite essential maintenance it is showing signs of general deterioration due its prolonged period of inactive use.

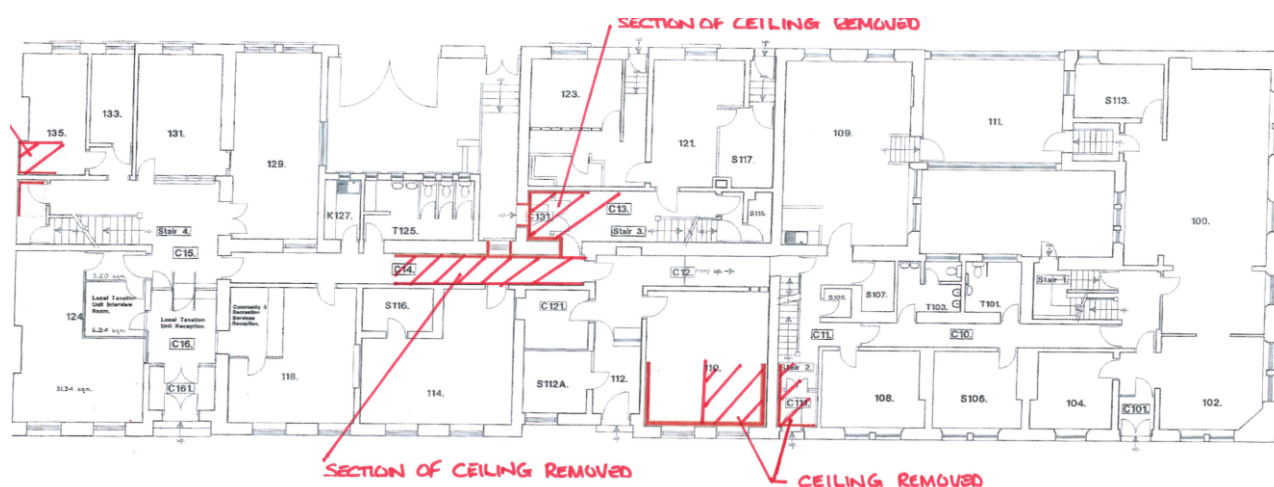
Proposal:

This application seeks Listed Building Consent retrospectively for emergency works undertaken to expose and address localised dry rot outbreaks and associated structural weakening to a number of isolated areas across the basement, ground and first floor of No 18-20 Nicholas Street. The dry rot had spread into Nos 22-24 where the outbreak was confined to a small area of party wall at the front (north-west) corner of the building at ground and first floor level.

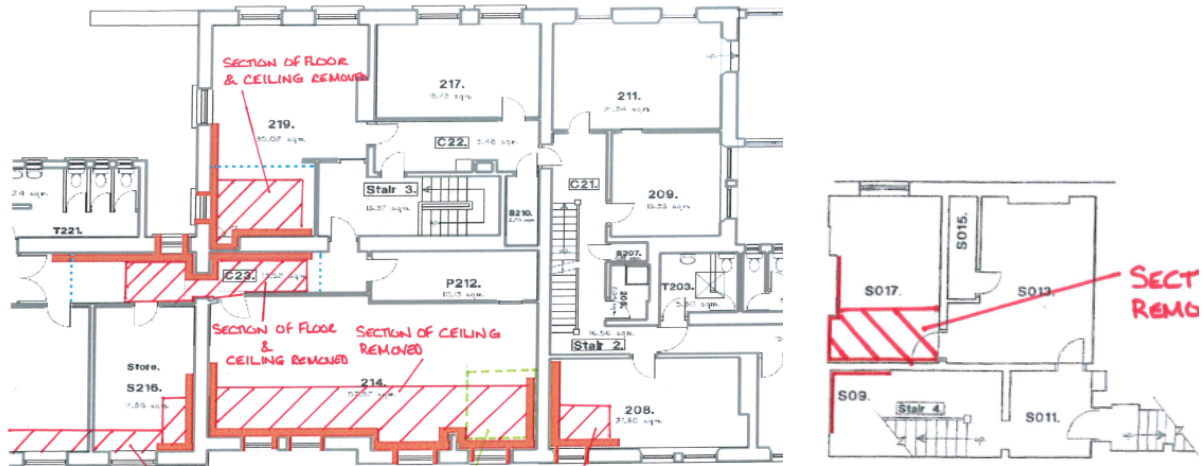
The exposure works undertaken followed best practice methods and included the isolated removal of affected sections of material including wall (back to bare masonry) and ceiling finishes, floor boards and joists within 1.0m of the affected areas as highlighted on the plans below. Any affected structural timbers, roof trusses and lintels, that were found to be affected were reinforced with steel members or replaced where necessary. Two window frames that had decayed beyond repair were removed and the openings boarded over. External repairs were also undertaken to the roof and rainwater goods to halt water ingress, the moisture source from which the dry rot outbreak is likely to have been initiated.

The applicant explains that the visible areas of active dry rot were of sufficient magnitude to warrant immediate intrusive investigation to fully determine the extent of the outbreak and the scope of remedial works. The works were necessary and urgent and timely action was required in order to prevent the widespread outbreak of rot affecting further areas of the building or the adjoining property and the potential for failure of structural elements. It was therefore decided to proceed with the exposure works and, if necessary, to subsequently apply to regularise the works once the full extent of the outbreak had been identified and therefore full details could be provided.

This application is presented to Committee as the applicant is Burnley Borough Council.



Removal of floors, ceilings and plasterwork to First Floor



Removal of floors, ceilings and plasterwork to second floor (left) and basement (right)

Relevant Policies:

Burnley’s Local Plan (July 2018): Policy HE2 (Designated Heritage Assets) outlines the key requirement for proposals to have regard to the desirability of sustaining and enhancing the significance of listed buildings and, where appropriate, securing a viable use most consistent with their conservation. All levels of harm should be avoided. The policy adopts the NPPF’s categories of ‘substantial’ and ‘less than substantial’ harm and the corresponding policy tests (as set out in NPPF 201 and 202).

The National Planning Policy Framework (2021): It is the conservation of heritage assets in a manner appropriate to their ‘significance’ which is the focus of the NPPF. Paragraph 199 advises 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 irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Planning (Listed Buildings and Conservation Areas) Act 1990: Sections 16 and 66 as below.

Relevant Recent Site History:

APP/2018/0061 and APP/2018/0062 (LBC): Change of use to 31no. apartments with external alterations – Planning Permission and Listed Building Consent Refused

APP/2017/0217 and APP/2017/0218 (LBC): Change of use to 31no. apartments with external alterations – Planning Permission and Listed Building Consent Refused

Consultation and Publicity: No responses received.

Assessment:

The main issue for consideration is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) and 66 confer upon local planning authorities a duty to have special regard to the desirability of preserving the special interest of a listed building, its setting or any features of special architectural or historic interest that it possesses. With regard to the NPPF and Local Plan Policy HE2 this can be defined as the impact of the proposal on the significance (special interest) of the Listed Building affected

with 'preservation' in this context meaning doing no harm to the significance as opposed to keeping it utterly unchanged.

Having regard to the relevant policy and legislation, as set out above, the main issue is whether the works have preserved (not cause harm to) the special interest (significance) of the Listed Building.

Impact on the significance (special interest) of the Listed Building:

The application is supported by a Heritage Statement which clearly explains the background, requirements, justification and benefits of the works. Having regard to the statement, it is clear that the works were urgently necessary for the preservation of the listed building; were limited to the minimum necessary; and followed best practice methods.

The works were limited to the interior of the property which does not make any meaningful contribution to overall significance (special interest) of the listed building for the reasons set out above. Nonetheless the works have resulted in the loss of historic fabric and accordingly have caused a degree of harm that is assessed as falling within the lower end of the broad category of "less than substantial harm" in that it would not result in any real change in the ability to understand and appreciate the overall significance of the building.

In this case the applicant has provided compelling evidence that the works were urgent and unavoidable and could not have been reasonably achieved by alternative less harmful means. The harm to significance arising is considered to be both justified, and outweighed, by the benefits of ensuring the proper preservation of the designated heritage asset in accordance with the requirements of Policy HE2, the NPPF and the duty assigned by the LBCA Act.

Conclusion:

The works were informed by a sound understanding of the significance of the heritage asset and limited to what was reasonably necessary to arrest the dry rot outbreak, secure structural stability and improve resilience to water ingress. The works are robustly justified against the considerable public benefits associated with arresting decay in the interests of preservation.

Recommendation: Approve

In giving considerable importance and weight to the duties at Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in consideration to NPPF Section 16 and Policy HE2 of Burnley's Local Plan I recommend that listed building consent is granted subject to conditions.

Conditions and Reasons:

1. The development hereby permitted shall not be carried out other than to the specifications as indicated on the approved drawings and specification of works noted thereon except where modified by the conditions of this consent. The approved drawings are Drawing Nos DRW.1/L1/NS (Dry Rot Stripping Out Work and Holding Treatments); and DRW.2/L2/NS (Dry Rot Stripping Out Work and Holding Treatments) received 23 December 2001.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity; and to preserve the character and special interest of the building in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

2. The works hereby approved are limited to those specifically indicated on the approved drawings referred to above. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure that the special architectural or historic interest of the listed building is preserved in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

3. Any reinstatement works and finishes of making good shall match the existing original work adjacent in respect of material uses, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any conditions attached to this consent.

Reason: To ensure that the special architectural or historic interest of the listed building is preserved in accordance with Policy HE2 of Burnley's Local Plan (July 2018).

EEP (Principal Planner)