

APPLICATION REPORT - LB/342813/19

Planning Committee, 5 June, 2019

Registration Date: 01/02/2019
Ward: Chadderton North

Application Reference: LB/342813/19
Type of Application: Listed Building Consent

Proposal: Replacement of existing windows with uPVC.
Location: Manor Mill, Victoria Street, Chadderton, OL9 0DD
Case Officer: Graham Dickman

Applicant Mr Holden
Agent : Townscape: Chartered Town Planning

THE SITE

This application relates to the Grade II listed Manor Mill located on Victoria Street, Chadderton, within the Victoria Street Conservation Area. The Mill dominates the streetscape in an area otherwise largely represented by low level housing.

Manor Mill was listed as a building of special architectural and historic interest in 1993. It was built in 1906 by G.Stott and is an impressive example of early 20th Century mill design, showing large-scale planning, in which functions were separated over five storeys. All of its main features remain intact and include the engine house, gate house, chimney, lodge and tower.

The Mill is currently the applicant company's Head Office and the main office accommodates some 180 staff, along with an exhibition/product showroom which displays the products of the business, along with areas utilised as warehousing/storage for goods.

THE PROPOSAL

It is proposed to replace 400 individual windows on the main elevations to the Mill with slim profile uPVC windows using a *slimlite* double glazed unit. Technical details, sizes and dimensions are provided within the submission, and the applicant has made a specific window sample available to view. The windows will all include openings to improve ventilation and will be double glazed to improve thermal comfort. The design of the proposed replacement windows is intended to follow the existing window pattern of detail.

It is the applicant's contention that as a result of the deterioration in the condition of the existing timber windows, there is a significant maintenance issue and concern for the on-going upkeep of the windows which has resulted in costly repairs on a regular basis. Further it is stated that the point has been reached whereby many of the windows are no-longer fit for purpose and are becoming a major obstacle to the comfort and well-being of employees.

The application is accompanied by the following supporting information.

Heritage Statement and Impact Assessment
Window Survey with marked elevations
Economic Statement Quotations for replacement windows to include, timber, uPVC, aluminium and a quote for repair to existing windows

RELEVANT HISTORY OF THE SITE:

LB/052483/06 - Demolition of listed chimney. Refused 31 January 2007

Other significant applications

PA/342273/18 - Replacement windows and external alterations (at Heron Mill, Heron Street, Oldham - non-listed mill building). Approved 7 February 2019

LB/047423/04 - Replacement with white uPVC windows (at Lees Brook Mill, Lees Road, Oldham, Grade II listed mill). Refused 26 October 2004

LB/038958/99 - Alterations to building (including replacement of windows with uPVC) (at Anchor Mill, Daisy Street, Oldham). Approved 24 May 2001

LB/035149/96 - Replacement of windows and frames (with uPVC) (at Regent Mill, Princess Street, Failsworth, Grade II listed mill). Approved contrary to officer recommendation. 22 May 1997.

CONSULTATIONS

Historic England No comments, but refers the Council to published advice.

REPRESENTATIONS

The application has been advertised by press and site notice. No representations have been received.

PLANNING CONSIDERATIONS

Policy provisions

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest.

Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, 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 (1) of the Act states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'development plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The site is designated as a Housing Allocation Phase 1 by the Proposals Map associated with the Joint Development Plan Document. In respect of the application of this nature, the NPPF and DPD Policy 24 (Historic Environment) are of particular relevance. However, such policies cannot conflict with or avoid the obligatory provisions set out in the statutory provisions above.

Part 16 of the National Planning Policy Framework (NPPF) sets out guidance on the approach to be taken in considering proposals which would affect heritage assets.

Paragraph 189 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".

It goes on to state at paragraph 190 that *"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".*

At paragraph 191 it cautions that *"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision".*

Paragraph 192 requires local planning authorities to 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"

It continues at paragraph 193, stating 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". At 194 it 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"*

The NPPF is supported by Planning Practice Guidance. This includes guidance on 'Conserving and enhancing the historic environment'.

The guidance explains that 'significance is important in decision-taking as heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The guidance explains that *"the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places."*

Disrepair and damage and their impact on viability can be a material consideration in deciding an application. Any deliberate damage is not a material consideration.

In terms of considering future viable uses the planning guidance recognises that *"By their*

nature, some heritage assets have limited or even no economic end use... It is important that any use is viable, not just for the owner, but also the future conservation of the asset".

The guidance states that the evidence needed to demonstrate there is no viable use includes appropriate marketing to demonstrate the redundancy of a heritage asset. The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated.

In terms of demonstrating public benefits the guidance states *"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits"*.

DPD Policy 24 states that the Council will conserve and enhance its heritage assets, including listed buildings, and will *"support heritage-led regeneration, including the reuse of historic buildings such as mills, to achieve economic, community and regeneration objectives where appropriate"*. It also states that *"There will be a strong presumption against proposals involving the demolition of listed buildings or structures"*.

In weighing up the impact of the proposals, it is firstly necessary to determine whether the proposed changes will result in "substantial" or "less than substantial" harm to the heritage asset.

NPPF Paragraph 195 states 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 196 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"*.

In this instance, given the scale of the works proposed, and the resultant impact on the historic fabric and appearance of the building, through the use of 'modern' materials for the replacement windows, it is considered that the development would result in "less than substantial" harm, and therefore the test in paragraph 196 applies.

Oldham's mill are an important part of the town's heritage, and continue to feature in the townscape. However, it is recognised that achieving viable, continuing use can be difficult, and costs of maintenance high. Manor Mill is an example of an asset which has benefited from strong occupation by the applicant company. Other mills have suffered a different fate, most notably Hartford Mill.

The survey of Historic Mills in Oldham undertaken on behalf of Historic England in 2016 identified Manor Mill in a list of those in "good" condition.

Condition of the windows

The submitted survey comprised an internal assessment of each window on every relevant elevation as detailed above. Each window was photographed and assessed for evidence of the original sash window or for the more modern replacement casement style. The windows were then inspected for any obvious signs of decay within the main frames, for any original pieces of glazing and for any evidence of replacement or repair work so far as these are apparent from visual inspection. This included examination of the fittings for signs of originality and the frames for layers of paint, traces of old nail holes or recesses and any indications of new timber.

Notes were made on any windows that were partially or completely inaccessible. On the 3rd floor rear elevation (K), 29 windows were inaccessible due to the internal fittings of the company's showroom. The survey excluded the domed tower; the lift shafts; the engine room; and all outbuildings.

Out of the total of 312 window units surveyed, 20 windows are original and in a relatively good condition requiring little or no repair; 144 windows are of original sash style in a poor but repairable condition, whilst a further 26 windows are original but probably beyond repair due to the level of corrosion and decay within the frames.

The total number of non-original replacements is 111, with a further 9 windows that have been significantly adapted with modern parts.

Elevation A – Side, facing north (53 windows)

First Floor – 11 total; 1 significantly adapted and 10 non-originals.

Second Floor – 14 total; 14 originals.

Third Floor – 14 total; 1 original; 2 significantly adapted and 11 non-originals.

Fourth Floor – 14 total; 7 originals and 7 non-originals.

The northern side of the mill (A) featured 25 original windows and 28 non-original replacements, the majority of which were across the first and third floors.

Elevation E - Front, facing east (156 windows)

Ground Floor – 22 total; 20 originals and 2 non-originals.

First Floor – 26 total; 22 originals and 4 non-originals.

Second Floor – 36 total; 31 originals; 1 significantly adapted and 4 non-originals.

Third Floor – 36 total; 28 originals; 2 significantly adapted and 6 non-originals.

Fourth Floor – 36 total; 18 originals and 18 non-originals.

The front of the mill (E) had the highest proportion of original window frames in various conditions; with only 34 of the total 156 being non-original replacements. This level of preservation is assumed to be due to this elevation having more protection from the elements.

Elevation G - Side elevation, facing south (16 windows)

First Floor – 4 total; 4 non-originals.

Second Floor – 4 total; 4 non-originals.

Third Floor – 4 total; 1 original and 3 non-originals.

Fourth Floor – 4 total; 4 non-originals.

The south side of the mill (G) has the fewest windows and featured only one window that was of an original style, this was in poor but repairable condition, but all others were replacement casement style windows, most probably inserted as part of a regeneration scheme during the 1990s.

Elevation K - Rear elevation, facing west (87 windows)

First Floor – 25 total; 20 originals; 4 non-originals and 1 inaccessible due to boarding.

Second Floor – 29 total; 23 originals; 1 significantly adapted and 5 non-originals.

Third Floor – 3 total; 2 non-originals and 1 inaccessible due to blocking.

Fourth Floor – 30 total; 5 originals; 2 significantly adapted and 23 non-originals.

The rear of the mill (K) had considerably fewer windows to assess than the front due to the whole of the ground floor having been bricked or blocked up for security along with the majority of the third floor being blocked by showroom fitments. Of the 87 windows surveyed on this elevation 51 were originals in various states and only 34 were replacements.

The Windows Assessment report has confirmed that approximately 60% of the original windows remain in the mill across various floors and elevations. The windows condition report has also highlighted that out of the remaining original windows only 6% (on the ground floor only) have been classed as in "good" condition and a further 28% as "fair" condition. It therefore argued that a large portion of the original windows are not in a usable condition and urgently require replacement rather than repair.

The chosen uPVC window layout and colour of the proposed uPVC windows is stated as being very similar to that of the original wooden windows, and consequently, ensures that the original visual appearance of the external elevations are very similar and not to an overall detriment.

Costs of alternative solutions

The submitted economic statement analyses the various costs of replacement or repair window solutions.

1. Replace with uPVC = £307,949
2. To repair originals & replace others with timber = £419,121 (£111,172 more expensive than uPVC)
3. Replace all with timber = £404,601 (£96,652 more expensive than uPVC)
4. Replace with aluminium = £881,038 (£573,088 more expensive than uPVC)

It is further claimed that, based on experience of replacing Heron Mill with uPVC, it is anticipated that the on-going maintenance costs of uPVC windows to be significantly more cost effective than wood. The quoted figures assumes 4% of windows would require works each year. With both uPVC & aluminium options there is no requirement to annually paint/seal the windows reducing material and labour costs. Window panes are also more durable being double glazed and therefore are less likely to be replaced. Also, the majority of maintenance works can be completed internally reducing the need for scaffolding, again significantly reducing cost and disruption to the operation.

The Economic Case

The applicant company, UP Global Sourcing UK Ltd (T/A Ultimate Products) was established in 1997. It is now an international business supplying branded consumer goods, and servicing over 430 major retail customers across 37 different countries. It's largest market is the UK. However, over the next 5 years the business has major expansion plans across European markets.

The company operates from two sites in Oldham, Heron Mill & Manor Mill. The business employs 210 full time employees based within the Oldham sites along with an additional 20 seasonal warehouse agency workers.

The Economic Report submitted with the application states that the applicant company has invested heavily in the regeneration of the two mills over the years. Recently over £1.3M has been invested into Heron Mill, transforming it from a run-down mill into a modern warehousing facility. Heron Mill has already had a uPVC window installation and it is claimed it is therefore already benefiting from better heat retention along with the visual improvement to the site. Planning permission has recently been granted for such work; however, it should be reiterated that Heron Mill is not a listed building and therefore the heritage test is less strong.

It is stated that at Manor Mill, between 2008 and 2018, over £2,8M has been devoted into refurbishing the mill, and that the applicant company is extremely committed to remaining within the Oldham area, focusing on job opportunities for local people. The company is

presently on a major recruitment drive, having recruited over 100 people in the past 12 months.

It is stated that failure to obtain the required consent is likely to result in the company being required to move outside of the Oldham area to relocate to a more cost-effective location that better suits the more modern needs of the operation, such as a more modern high bay facility on a suitable business park. This risks large scale unemployment within the local area and a reduction in future business opportunities in Oldham going forward. It is expected that a large portion of the current staff (in particular the warehouse team and junior administrative roles) will need to be replaced within the new location impacting on over 60 employees.

Furthermore, the current wooden windows are deemed not sufficiently protective against the harsh winter climate, which have already resulted in a loss of heat on site, and have forced the company to undertake costly measures in order to sufficiently heat the building. The aforementioned atmospheric conditions are only set to worsen in future, meaning that it will be even more difficult to maintain wooden windows. The protective measures to combat these difficulties have become impractical and not financially viable.

CONCLUSION

The starting point in any assessment of an application of this type is the statutory requirement to have special regard to preserving listed buildings, their setting, and any features of historic interest which exist. Historic England's publication *Traditional Windows: Their Care, Repair and Upgrading*, advises that replacement uPVC windows pose "one of the greatest threats to the heritage value of historic areas, particularly in towns and villages", because even the most advanced uPVC design techniques cannot imitate historic joinery". Although the design of uPVC windows has become more sophisticated in recent years, the replacement windows would not be identical, they would have a manufactured finish that would lack the style, profile, and craftsmanship of the original windows. In particular, the design of the windows cannot accurately reflect the slimline character of the originals. Over such a large expanse of the elevations of the building, this has the clear potential to cause significant harm.

Historic England guidance states that as a rule, windows in listed buildings should be repaired, or replaced like for like where repair is not viable. In addition, where newer windows are obviously inappropriate, replacement windows should be appropriate to the date of the building. It recognises that it is usually near-impossible to install double-glazed windows in existing frames or to replicate existing frames with new sealed units without making noticeable changes to the profiles of glazing bars, styles, and rails. The new glass in such units may also significantly alter the appearance of the window and the replacement of historic glass is rarely acceptable in listed buildings. If the desire for double-glazed units is being driven by energy performance, there are many solutions which can provide similar efficiency benefit

Whilst each case must be judged on its own merits, it is useful to assess whether there are similar examples locally in which this assessment has been required to be made. In the case at Anchor Mill, quoted earlier, listed building consent was allowed, the officer's report concluded that *"The restoration of this important listed building is to be greatly welcomed. Proposals that are sufficiently financially viable to deliver adequate repair and restoration of such buildings within the inner areas of the Borough are rare and the regeneration benefits of the scheme are obvious. However, even with this scheme, the sheer scale of the building and the limited value of the resultant property (in terms of achievable rental values) means that cost has been an issue constraining the design of the proposals, and indeed the rate of progress on. The essential structure of the building is all being retained and repaired, the building is being given a new lease of life and its general character and appearance is being substantially restored"*.

In a later example at Lees Brook Mill, the officer's report considered the relevance of that decision and concluded that *"Given that the application building is still in use and there is no apparent threat of closure, I do not consider that there are any special circumstances that would justify the use of uPVC windows in this instance"*. In the present case, the building remains in substantial use, and whilst a case has been put forward which suggests that if

refused the applicant would consider relocation, which the resultant difficulties in securing alternative, financially viable use of the Mill, it is not considered that the consequential public benefit would outweigh the harm to the building's historic fabric and appearance.

Having determined that the proposals would lead to "less than *substantial harm*" to a designated heritage asset, it is clear that consent should be refused unless it can be demonstrated that the harm is outweighed by the public benefits.

The applicant states that a decision to leave Manor Mill would also lead to the vacancy of this large Grade II listed building, and lead to the abandonment of a huge part of Oldham's heritage. Other examples of mills being vacated are stated, including Littlewoods vacating Hartford Mill in 1991, the consequences of which Members of Committee will recently be aware. Shop Direct, has declared that it is closing its Raven Mill base, axing almost 2000 jobs.

However, in this instance it is not considered that the replacement with uPVC windows would be outweighed by the arguments in favour of replacement. As regards the alternative justification required by paragraph 196, it has not been sufficiently demonstrated that the nature of the heritage asset prevents all reasonable uses of the site; and that there is no viable use of the heritage asset itself which can be found in the medium term through appropriate marketing that will enable its conservation.

It is nevertheless the case that historic mills, such as Manor Mill, provide a substantial floorspace over a relatively small area, which is unlikely to be matched even by a high bay warehouse, particularly one which is accessibly located and where construction or rental costs are likely to be high. Furthermore, moving from Manor Mill will not remove the company's statutory obligation to ensure the heritage asset is appropriately preserved, regardless of the extent of occupation. Hartford Mill is again a case in point where an historic building has been allowed to deteriorate over a long period of time.

The above policy considerations define clearly the context in which the application must be assessed. The conservation of buildings which are listed for their architectural or historic importance is of special significance, and where such loss is to be sanctioned, very strong justification will be necessary. In particular, circumstances will need to be specific to the context of the building, its history, and the reality of its future prospects, if the underlying presumptions related to the significance and protection of listed buildings are not to be de-valued.

In respect of potential alternative sources of funding should the applicant company not be in a position to finance replacement timber windows, it is accepted that available sources do not exist at the present time.

Manor Mill does not fall into any of the specific council-funded regeneration zones in Oldham. There are also grants available through the Heritage Fund and Historic England, however, it is worth noting that these funds are generally reserved for projects with 'historical gain'. Finally if the work is not eligible for grant aid, there is a small fund available from the Society for the Protection of Ancient Monuments, however, the SPAB Mill repair fund only provides funding up to £5,000 and is primarily aimed at local community groups and or local authority partnerships seeking to restore or repair a Mill.

This is a balanced judgement, and whilst the on-going costs of retention and replacement of timber windows is recognised, it is not considered that the test of public benefits to outweigh the harm to the historic fabric of the heritage asset has been demonstrated in this instance.

RECOMMENDATION

Refuse for the following reason:

1. The proposed replacement of all external windows with uPVC alternatives to this prominent Grade II listed building would result in 'less than substantial harm' to the heritage asset by virtue of the design, profile, and finish of the

replacement units, and fail to preserve or enhance the character of the Conservation Area, contrary to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 which confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest, and to Part 16 of the National Planning Policy Framework.

