
Report of the Head of Strategic Investment**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 17-May-2018****Subject: Planning Application 2017/93009 Listed Building Consent to remove fire-damaged debris from interior of mill building and weaving shed Newsome Mills, Ruth Street, Newsome, Huddersfield, HD4 6JF****APPLICANT**

Panorama Living

DATE VALID

29-Aug-2017

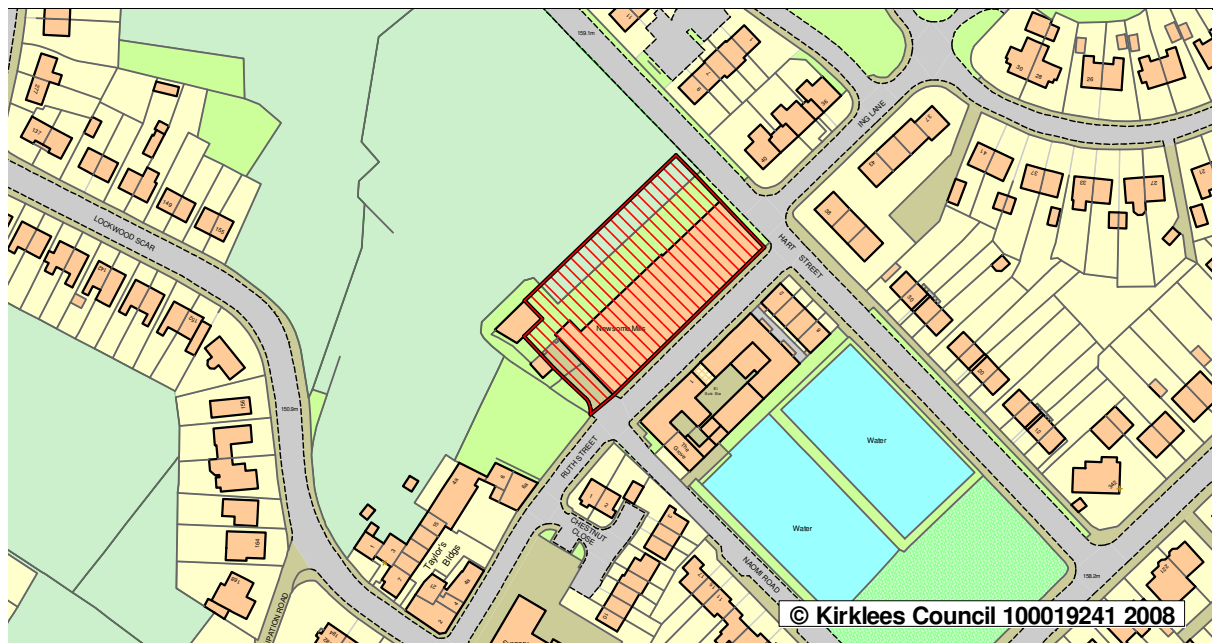
TARGET DATE

24-Oct-2017

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Newsome

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Huddersfield Planning Sub-Committee for determination at the request of the Newsome Ward Councillors Julie Stewart-Turner and Andrew Cooper for the following reason: *“There is a lot of local concern regarding the mill, so I think it would be better for the decision to be made in public at the Huddersfield Planning Sub-committee”* and *“to allow informed input from local residents.”*
- 1.2 The Chair of the Sub-Committee has confirmed that the local ward Councillors reason for making this request is valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is the former Newsome Mill that is situated to the north of Ruth Street and turns the corner northwards along Hart Street. Land to the east of the building is residential, to the north is vacant land that has had previous planning permission for residential development and to the immediate south a range of former mill buildings that have been converted to various uses.
- 2.2 The mill complex is comprised of a free standing six storey tower with a clock to each face, a lodge and archway, a two storey former office buildings, a range of single storey weavers sheds and the remains of the former four storey mill building.
- 2.3 In the early hours of 17th November 2016, the 4 storey mill building, weaving shed and the clock tower were damaged to varying degrees by a fire and resultant safety works. The walls of the main mill building remained standing at approximately first floor window cill height but all the roof, floors and remaining walls had collapsed. The roof and part of the external walls of the weaving shed also were damaged or collapsed to allow access. For safety reasons and with the agreement of Kirklees Council and the Health & Safety Executive (HSE), the debris on the outside of the building was removed from the site, but the internal debris was left in-situ.

3.0 PROPOSAL:

- 3.1 The proposal is to remove all the fire damaged debris from the interior of the mill building and weaving shed to allow for a more detailed structural survey of the remains and to produce a structural report that would guide any future proposals for the development of the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2006/91452 – Application to demolish part of the mill building, erection of 13 dwellings and 11 apartments and conversion of the mill buildings to 45 apartments and 1 dwelling. Conditional full planning permission

2009/93669- Full application for the erection of 20 dwellings and the change of use for the mill buildings into 1 dwelling and 40 apartments – conditional planning permission subject to a 106 agreement.

2009/93672 - Application for Listed Building Consent for conversion of the mill building to 40 apartments – conditional consent

2017/90377 – Application for Listed Building Consent of the demolition of the four storey mill building and the single storey weaving shed - withdrawn

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Due to the application being submitted with very little information on how the debris was going to be removed, how the remaining parts of the structure were going to be safeguarded and how access was going to be achieved to allow machinery into the building remains discussions were held over how this could be addressed.
- 5.2 Following discussions a revised Heritage Impact Assessment was submitted which indicated two openings to be formed, through historic openings that have been blocked up, one through the weaving sheds and one through the mill building; both openings are to the rear. Due to the specialist nature of the removal it has been agreed that should permission be granted a condition be attached requiring a method statement indicating the exact method of removal, the type of machinery to be used and the means of protection for the remaining standing walls.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the

UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is without notation within the UDP Proposals Map and is indicated as an accepted housing allocation within the Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 None

Kirklees Publication Draft Local Plan

6.3 PLP35 - Heritage

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

6.4 **Chapter 12-** Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 In its initial form the application was publicised by site notice and newspaper advert on 12th September 2017. Following the receipt of the amended Heritage Impact Assessment further publicity took place on 15th of December 2017 by site notices and neighbour letters. In addition Ward Members were notified.

7.2 The public comments can be summarised as follows:-

- The application does not make the method of removing the debris clear
- Clarification is needed over the means of access
- Means of protecting the building are required
- Materials should be re-used
- Inaccuracies in the Heritage Impact Assessment

7.3 No further comments were received on the latest round of public consultation.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**
None

8.2 **Non-statutory:**
This report is written by an officer of the KC Conservation and Design Team

9.0 MAIN ISSUES

9.1 The main issues to be addressed are:-

- The need to carry out the work
- The impact upon the significance of the building
- The method of removal of the debris
- Representations

10.0 APPRAISAL

The need to carry out the work

- 10.1 Following the fire and once the building had been damped down by the Fire Service they requested, with agreement of the Council's Building Control officer, that the site needed to be made safe by the 'pushing in' of the upper floors to prevent collapse into the highway. The upper floors were unsafe due to the lack of restraint caused by the collapse of the floors and roof. During the night and the following days, the building was brought down to a safe height to floor level of first floor. Equally part of the weaving shed was removed to allow machinery to enter the site.
- 10.2 This resulted in stone masonry, tiles and iron columns being mounded on to the ground floor within the remaining four walls. Despite securing the site, the fencing has been broken through and theft of the stone has been occurring on numerous occasions. This poses a risk to health and safety as it is unsafe to enter the building due to the amount of debris, the weight of the debris may have caused damage to the ground floor and the remaining walls may be considered to be dangerous due to the lack of restraint.
- 10.3 The owner of the site has stated his intentions to develop the site and as part of any re-development proposals a structural survey, measured survey and constraints plan will need to be carried out which involves entering the shell of the mill, the Clock Tower which is accessed from the site and can only be done once the site has been declared safe. Equally none of the surveys can be carried out without the debris being removed.

The impact upon the significance of the building

- 10.4 Under the Planning (Listed Building and Conservation Areas) 1990 whilst the building is no longer as originally listed the resultant debris still forms part of the building and as such benefits from protection under the act. Therefore Listed Building Consent is still required for the removal of the debris from the site. The remaining walls of the mill, the remains of the weavers shed, the clock tower and the adjacent buildings are all still listed and as such any alterations to them require consent. Therefore there are two areas of impact, the removal of the debris and the creation of openings in the remaining building to allow access to machinery and operatives.

- 10.5 The removal of the debris, albeit listed, is to allow safe access to the site for surveying purposes in relation to the redevelopment of the site as well as removing a health and safety hazard. Whilst the stonework appears to be in a good condition and perhaps re-useable as part of any proposed development, the extreme temperatures of the fire has led to the stone 'pinking'; this is the colour of the stone once exposed to fire and leads to the stone being more friable and unsuitable for construction. Therefore it is proposed that the stone is removed from site for disposal. Should any architectural details or iron columns be found then they will be safely stored on site and retained for use in any form of development. This requirement will be part of the method statement condition attached to the consent if granted.
- 10.6 By its very nature the proposal will lead to the loss of historic fabric and as such the historic significance of the building is harmed; part of the significance of the building has been lost due to the fire and resultant safety works.

The method of removal of the debris

- 10.7 Due to the specialist nature of the removal of debris, due to health and safety requirements, it is proposed that a method statement from an appropriately qualified and experienced contractor or consultant is submitted for approval prior to the works commencing. Such a method statement is conditioned as part of this report.
- 10.8 The remains of the former multi-storey mill and the single storey weaver's sheds are separated by a substantial wall with no openings; breaching this wall to create an opening may cause structural collapse. Equally to retain the historic integrity of the remaining standing parts of the mill it is not acceptable to form openings on the remaining walls to Ruth Street and the walls to the access road off Ruth Street.
- 10.9 The rear wall of the multi-storey mill has been significantly altered over the years. This wall consisted of a series of openings, sub-divided by cast iron columns, which provided access to the now demolished connecting buildings again to the rear. These openings have been infilled using lightweight concrete blocks for security reasons. In terms of the weaving sheds, the rear walls were exposed and open following the long standing demolition of the rear range of buildings following the granting of planning permission for the development of the site. Again the walls were supported by cast iron columns with the openings infilled by lightweight concrete blocks.
- 10.10 The application therefore proposes to access the mill and shed areas from the North West, rear wall. In terms of the mill it is proposed to remove the lightweight concrete blocks to form an opening approximately 3.8m by 3.6m high which is below the existing cast iron beams. The weaving shed will be accessed through the collapsed portion of the rear wall.
- 10.11 The debris will be extracted using machinery of a scale that will be able to use the proposed accesses and be able to move around the narrow confines of the building. Care will be taken to ensure that the walls are not disturbed during the operations but the application proposes that should the walls become unstable, the works will cease until an agreed course of action with the Local Authority is gained.

- 10.12 As previously mentioned a method statement outlining these works will be conditioned as part of any consent.

Representations

- 10.13 The application is not clear how they intend to remove the debris or make it clear if the intention is to retain and secure the materials which could be re-used on site.

Officer Response: The comment was received before the submission of a revised impact assessment that described the methods outlined in this report. A condition attached to any grant of consent will require a method statement to be agreed prior to works on site. It is not intended to retain any material for re-use in the rebuilding on the site but some columns may be retained for further use if possible. It is intended that such material will be stored on site in a manner to be agreed as part of any method statement.

- 10.14 They say they will use two accesses into the building but there is only one, where is the other access or what will they have to knock down to make it?

Officer Response: The comment was received before the submission of a revised impact assessment that described the method of entry outlined in this report.

- 10.15 It's not clear how the remaining Grade II Listed structures would be protected during the clearance works.

Officer Response: As part of the conditioned method statement a proposal will be made on how the walls will be retained and made safe for the duration of the works. Due to the unsafe nature of the site it is not possible at this time to submit a structural report on the wall retention.

- 10.16 It's not clear whether, if consent is given, we would see the same Demolition Company return to the site, who have previously removed good stone from the undamaged walls, without consent

Officer Response: the employment of a suitable contractor is one for the owner of the site and is not in the control of the Local Planning Authority. A method statement is to be conditioned as part of any approval.

- 10.17 Inaccuracies in the supporting heritage impact assessment have been outlined in terms of the history of the fire and the damage caused by making the building safe.

Officer Response: whilst this comment in relation to the inaccuracies of the impact assessment are valid they do not alter the decision making process or the recommendation.

11.0 CONCLUSION

- 11.1 The proposal will lead to the removal of historic fabric to allow the building to be made safe and to allow for further surveys to take place to enable the redevelopment of the site. By removing the debris harm will be created to the listed building and its significance and as such Paragraph 132 of the NPPF applies which requires that great weight is given to the listed buildings conservation. Any harm should require clear and convincing justification which in this case is the need to open up the inside of the buildings to allow further investigation for the redevelopment of the site; there is no indication that this involves further demolition apart from creating two access points. In this case it is felt that the harm caused is less than substantial as defined in Paragraph 134 of the NPPF. Where less than substantial harm occurs this harm should be balanced against the public benefits of the proposal including securing its optimum viable use. The harm is the loss of historic fabric which cannot be used as part of any redevelopment which in turn will be removed from site. The public benefit is one of making the site secure, tidying the internal area to allow further surveys to take place and securing any re-useable historic fabric by an agreed method and location. It is felt that the requirements of Paragraph 134 are met and as such the proposal complies with the NPPF.
- 11.2 The recommendation is to delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions, including those contained within the report.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Time Limit
2. Development shall be implemented in accordance with the plans and details
3. No development to take place until a method statement for the removal of the debris, the creation of openings and the retention of material has been submitted and approved.

Background Papers:

Website link to be inserted here

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F93009>

Certificate of Ownership –Certificate A signed and dated 29/08/2017: