

Map not to scale – for identification purposes only

Electoral Wards Affected: Newsome

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Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION

- 1.1 Listed Building Consent is sought in respect of works to the listed mill buildings that are involved in the related planning application which proposes the erection of a 4 storey apartment block plus ground level parking within the remains of the main mill building, the refurbishment of the former mill offices and lodge adjacent to the entrance to the mill and the repair of the clock tower. Any application for listed building consent needs to be assessed against Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant policies of the Local Plan and the NPPF. Section 16 of the Act requires that any application should either preserve or enhance the special architectural or historic interest of a listed building
- 1.2 This application is brought before the Strategic Planning Committee due to an associated application for planning permission for residential development that is the subject of a separate report to this committee under reference *2019/91633 - Outline application for extension and alterations to existing mill remains to create 33no. apartments with parking and services at ground floor level, and change of use of former office building into one dwelling and the existing gate house to cycle parking facilities with ancillary works including the provision of open space- 4a, Ruth Street, Newsome, Huddersfield, HD4 6JF*

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. The debris has since been removed following the granting of Listed Building Consent.

3.0 PROPOSAL

- 3.1 The proposal is for the erection of a storey apartment block plus ground level parking within the remains of the main mill building, the refurbishment of the former mill offices and lodge adjacent to the entrance to the mill and the repair of the clock tower. An application for planning permission is the subject of a separate report as per paragraph 1.2

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application site

Reference:	2006/91452
Location:	Newsome Mill, Ruth Street, Newsome, Huddersfield
Proposal:	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
Reference	2009/93669
Location:	Newsome Mill, Ruth Street, Newsome, Huddersfield
Proposal:	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.
Reference	2009/93672
Location:	Newsome Mill, Ruth Street, Newsome, Huddersfield
Proposal:	Listed Building Consent application for conversion of the mill building to 40 apartments – conditional consent
Reference	2017/90377
Location:	Newsome Mill, Ruth Street, Newsome, Huddersfield
Proposal:	Listed Building Consent application for the demolition of the four storey mill building and the single storey weaving shed – withdrawn
Reference:	2017/93009
Location:	Newsome Mill, Ruth Street, Newsome, Huddersfield
Proposal:	Listed Building Consent application for the removal of debris and stone within the mill building- conditional consent.

4.2 Surrounding area

Reference: 2019/91633

Location: 4a Ruth Street, Newsome

Proposal: Outline application for extension and alterations to existing mill remains to create 33no apartments with parking and services at ground floor level, and change of use of former office building into one dwelling and the existing gate house to cycle parking

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

5.1 Following the fire numerous meetings have been held to discuss the redevelopment of the site whilst retaining the remains of the main mill block and the two adjacent buildings. Due to the concerns of the local residents in regards to the clock tower retention discussions were also carried out on its long term future. These discussions led to the submission of this application.

5.2 During the application process further information was requested in terms of the elevations of the proposed apartment block due to the fact that at the time of submission the only information in regards to this block was a massing drawing. This has been received and further public consultation was carried out.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan (2019):

- **PLP 35** - Heritage

6.3 National Planning Guidance

- **Chapter 16** – Conserving and enhancing the historic environment

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised via site notice, paper advertisement and through neighbour letters to addresses bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 14th of June, 2019. Amended plans have been received, which were subsequently advertised.

7.2 No comments have been received.

8.0 CONSULTATION RESPONSE

8.1 Statutory:

Historic England: Originally Requested further information on the following:-

- Further detail on the treatment of the elevations of the proposed apartments within the former mill building;
- Further detail on the proposed consolidation of the remaining structure of the listed building and the interface with the new fabric;
- Further information on how the repair and on-going maintenance of the listed structures can be secured as part of any consent granted on the site.

Officer discussions with Historic England have resulted in support (verbal) for the scheme. Written responses are expected prior to the committee meeting and details of which will be included within the agenda update.

9.0 MAIN ISSUES

Impact on the significance of the listed buildings

10.0 APPRAISAL

Impact on the significance of the listed buildings

- 10.1 The application seeks Listed Building Consent for the retention of existing walls, making good of windows, doors and the insertion of steel frame inside the mill to support the existing walls and the new build 15x one bedroom and 18x two bedroom apartments over three floors within the mill with parking and services on the ground floor, and ancillary works. The former gate lodge and Manager's Office will be converted for residential development as part of the overall development of the site. The existing Clock Tower will be repaired as part of the development as well and these proposed conversions that form part of a separate report for Planning Permission.
- 10.2 The first woollen mill on the site was founded by John Taylor in 1827 which is the date on the inscription on the existing entrance archway reading "Newsome Mills Established 1827". The first mill fronted Ing Lane, and burnt down in 1872. In 1873 Ephraim Beaumont Taylor entered into partnership with Joshua Littlewood forming Taylor and Littlewood operating as a Worsted mill. The existing mill buildings would have been constructed after this date and by 1893 the mill complex appears to occupy the current site. The mill continued in use until its closure in 1983. Thereafter the buildings were sublet as small business units until 2006.
- 10.3 The site forming Newsome Mill was purchased in 2003 with a view to converting some of the existing buildings and constructing new housing on part of the site. The site at the time consisted predominantly of the multi-storey mill and a range of one and two storey buildings and open spaces.

- 10.4 Applications for planning permission and Listed Building Consent were submitted in early 2005 for the demolition of part of the existing mills, erection of new houses, conversion of the multi-storey mill and ancillary works. Following lengthy negotiations including withdrawing and resubmitting the application, the submission was granted approval under reference 2006/62/91452/WI on 17th October 2006. The time limit on the consent was 3 years, i.e. to 17th October 2009.
- 10.5 Following the issue of the planning permission, the single storey buildings with the exception of the north light weaving sheds to the north east of the multi-storey mill, and some of the two storey buildings, with the exception of the original offices, were demolished and the site cleared.
- 10.6 In late 2007, an application was made to list the remaining buildings on the site and that listing was confirmed in early 2008. Extensive discussions and consultations took place from early 2008 to reach a consensus on an acceptable form for a resubmission for a planning permission and an application for Listed Building Consent following the listing of the buildings.
- 10.7 Applications for planning permission and Listed Building Consent were submitted on 19th April 2010 for 'Erection of 20 dwellings and Change of Use and alterations to convert existing mill buildings to form 1 dwelling, 40 apartments, 8 duplex apartments and ancillary works' and for 'Listed Building Consent for alterations to convert existing mill building to form 40 apartments and 8 duplex apartments'. The applications were granted approval on 15th April 2013 under reference numbers 2009/62/93669/W2 and 2009/65/93672/W2. Both approvals expired on 14th April 2016 without any work started on site. This was due to the economic viability of the approved scheme.
- 10.8 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. 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 collapsed. 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.
- 10.9 The remains of the buildings were in an unknown structural condition following the fire. It was not possible to carry out an appropriate structural survey of the remains of the mill, weaving shed and clock tower until the internal fire damaged debris were removed. The application for "removal of the internal fire-damaged debris following the collapse of the four storey mill building and the single storey weaving shed", submitted under application number 2017/65/93009/W, was a result of the events of 17th November and subsequent decisions, and was approved on 30th November 2018 with application 2018/44/94098/W submitted to discharge condition 3 (method statement) and accepted on 25th January 2019.

Main mill building

- 10.10 It is proposed to retain the standing remains of the mill building and incorporate them into the erection of 33 apartments over four storeys with the ground floor forming the car parking and servicing areas; the 33 apartments will be over three floors. The remains of the walls of the mill are to be made

structurally sound and all windows and doors and the top of the walls are to be made good. To achieve this it is proposed to erect a steel frame behind the existing walls, tie the walls into the frame and then erect the apartment block behind. This will ensure that the existing walls are structurally secure and sound and whilst not mimicking the former mill building, it will keep the sense of height, scale and prominence of the former mill. No details have been provided of how the frame will be constructed or how the walls will be attached but it is considered appropriate that a condition is attached to a permission requesting that a method statement be provided and approved before development commences.

- 10.11 The new apartment building will be constructed using the mill remains as 'plinth' and then using new materials to attach onto the steel frame and will take the form of a mill building in terms of design and the fenestration apart from the introduction of French doors behind Juliet balconies. Whilst this is not a traditional feature, it is one that formed part of the design of the previously approved conversion in 2009. No details have been provided on the type of materials used but it is envisaged that the apartments will be constructed of natural stone to match the plinth. Therefore it is felt to be appropriate to continue with this in the revised proposal. Conditions will be placed on any permission requiring samples of the materials, details of doors and windows, all to be provided and approved before development commences.
- 10.12 The ground floor of the mill will form the car park to the apartment block with a single access/egress to the rear being provided. The access will be formed through an existing opening between the existing pillars that once formed access to the previously demolished weavers sheds.

Former Gate Lodge and Managers Office

- 10.13 The facades of the gate house and the office building are to be cleaned; any new stone work required is to match existing, as are any reinstated/replaced roof slates. Windows and sky lights are to be replaced with timber framed double glazed units and new roof lights are to be conservation type. External soil vent pipes are to be removed and rainwater pipes and guttering replaced with a black extruded aluminium system. These works will allow the buildings to be converted into residential use as part of the wider development of the site. A condition is considered appropriate requiring a method statement to be submitted for the repair and conversion of these buildings and approved before development commences.

Clock Tower

- 10.14 This structure was the first building to be listed on the site and once included a clock and water tower for the mill complex. Whilst this is a free standing structure it was close to the main building and suffered during the fire in 2016. The tower has suffered from vandalism and theft over the years since the site as remained derelict and open despite security measures being put in place. The tower has had varying degrees of structural assessments due to the dangerous nature of the site but from the information being able to be compiled it is considered to be safe. However, a full structural survey has yet to be completed and there is no indication of the scale of repairs needed. Therefore it is considered to be appropriate that a condition is placed on any permission that a full structural survey and a method statement itemising the amount and type of repair is submitted and approved before development commences.

Summary

- 10.15 Following the disastrous fire of 2016 the mill buildings have remained derelict and attracts anti-social behaviour and theft to the detriment of the surrounding houses and businesses. Whilst in a poor condition the buildings continue to have both historic and architectural interest due to being an example of a Victorian mill complex. There is equally a large amount of social history involved with the site and is a widely appreciated by the community of Newsome which is intrinsically linked with the buildings. Obviously the fire, the amount of demolition required to make the buildings safe and the removal of the fire damaged debris has reduced this significance but the remains of the mill, the office and lodge along with the clock tower still hold architectural and historic interest and as such should be retained.
- 10.16 The conversion of the buildings and the erection of the apartment block within the remains of the main mill building will cause some harm to this significance, hence the need for an application for Listed Building Consent. Any application for consent needs to be assessed against Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant policies of the Local Plan and the NPPF. Section 16 of the Act requires that any application should either preserve or enhance the special architectural or historic interest of a listed building. The fire did create a great deal of damage to the significance of the building but the application seeks to preserve what remains of the site through the conversion of the buildings. It is therefore considered that by repair and conversion, the significance is preserved and enhanced and as such Section 16 is complied with.
- 10.17 Kirklees Local Plan Policy 35 states:-
1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the following are met:
 - a. the nature of the heritage asset prevents all reasonable uses of the site;
 - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - c. conservation by grant-funding or some form of 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.
 2. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the case of developments affecting archaeological sites of less than national importance where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.

3. Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:

- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;
- b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;
- c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;
- d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance;
- e. accommodate innovative design where this does not prejudice the significance of heritage assets;
- f. preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted

10.18 By finding a new use for the remaining buildings and retaining the remains of the mill as well as incorporating them into the new apartment building it is felt that their significance is retained. Therefore, it is felt that the Local Plan Policy LP35 is complied with.

10.19 Paragraph 190 of the NPPF states 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.

Paragraph 192 goes on to state 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.

- 10.20 The character and significance of the complex has been considered to be one of a traditional late Victorian Mill of an appearance consistent with the character of Huddersfield textile industry. Despite the fire the buildings exhibit fine architectural detailing that is consistent with the wealth of the owner brought about by the success of the textile industry. The form of the complex, with a large scale mill building surrounded by smaller buildings that once serviced the mill and its workers is retained on site and gives an indication of how the mill was used throughout its life. The proposals as indicated retain what is left of the historic fabric and as such sustains and enhances its significance. However, the changes of use and the insertion of the steel frame will cause some harm albeit of a less than substantial nature as the described significance will be altered and the building will no longer be a mill complex.
- 10.21 Paragraph 196 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. The need to find a new use for the building and retain as much as the historic fabric as possible as led to the current proposal through negotiation. The harm caused, as previously described, is balanced by securing a new use which due to the decline in the textile industry is the only one available at this time. This is considered to be a substantial public benefit especially bearing in mind the social history of the site and its links with the local community. The proposals have been amended to retain as much historic fabric as possible and conditions suggested that will ensure that what remains is carefully considered and integrated into the new development.
- 10.22 Due to the scale of the alterations and their previous involvement Historic England have commented on the proposals. Their main concerns relate to the treatment of the elevations of the main mill building, the consolidation of the remaining structure and how the repair of the listed structures can be secured as part of any consent. Following these comments revised plans were submitted on the elevations, the consolidation proposals are to be dealt with by a method statement that will form an appropriately worded condition and the repair will be dealt with as part of a Section 106 agreement for the associated application for planning permission.
- 10.23 It is felt that the harm is outweighed by the substantial public benefits of bringing a viable new use to the building that retains as much historic fabric as possible. Therefore it is considered that the relevant paragraphs of the NPPF are met.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is felt that the development would constitute sustainable development and is therefore recommended for approval.

11.3 It is considered that the development would cause some harm to the significance of the building but would ensure the long term viable use of the former mill offices and Lodge and to a degree retain part of the former mill. It is considered that the development of the mill complex is acceptable.

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

1. Time Limit of 3 years
2. Development in accordance with the plans and details
3. Method statement for the erection of any steel frame, the attachment of the remains of the mill building to the frame and the repair of the remains
4. Method statement for the repair and conversion of the former mill and lodge buildings.
5. Structural survey including method of repairs for the clock tower.
6. Details of windows and doors
7. Sample of materials to be submitted and agreed.

Background Papers:

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed: