KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2021/62/94669/W**
Site Address:	Former Hoyle Ing Dyeworks, Linthwaite, Huddersfield, HD7 5RU
Description:	Planning permission for demolition of chimney (within a Conservation Area)
Recommending Officer:	Ellie Worth

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 30th November 2022

Officer report

Site description
The application relates to the former Hoyle Ing Dyeworks site. The site sits on a corner plot with Manchester Road to the North West and Hoyle Ing to the South West. The most notable currently surviving buildings at the Dyeworks site are the 1906 office/warehouse block (fronting Manchester Road), the dye house (abutting Hoyle Ing) and the mill chimney (subject to this application).

Surrounding the site is a mixture of residential and commercial properties, due to its edge of centre location. Furthermore, the site is also situated within Linthwaite Conservation Area and is adjacent to a row of Grade II Listed terraces at No's. 719 – 725 Manchester Road.

Description of development
The proposal is for planning permission for relevant demolition in a conservation area compromising the demolition of the chimney.

The applicant's justification of this operation is that the chimney is in a poor structural condition, with extensive cracking and failure of the structure at high level.

Further details have been provided within the structural survey and inspection report submitted with the application.

Relevant Planning History
<u>At the application site:</u>
2022/92957 Discharge conditions 3 (external facing materials). 4 (roofing materials). 5 (boundary treatment). 7 (amended elevations and sections) 8 (demolition), 11 (BEMP), 13 (noise), 17 (Electric Vehicle Charging), 18 (Construction Management Plan), 19 (CEMP), 29 (waste collection) on previous permission 2021/94664 for demolition of existing building and development of the former Dyeworks comprising 9 apartments, 4 bungalows and 2 maisonettes (within a Conservation Area) – Conditions pending consideration.

2021/94670 Planning permission for demolition of existing mill building (within a Conservation Area) – Granted.

2021/94664 – Demolition of existing building and development of the former Dyeworks comprising of 9 apartments, 4 bungalows and 2 maisonettes – S106 full permission.

History of negotiations/amendments received
As part of the application process, an additional inspection report and further email from the agent justifying the works have been received. These were sought on the 23rd September and the 17th November 2022.

Representations
The application has been advertised by site notice, neighbour notification letters and the press. Final publicity expires: 11th February 2022.
As a result of the above publicity, 6 representations have been received. A summary of the points raised are as follows:

Objections:

- Please only partial demolition of the chimney. Linthwaite is already losing too much of its heritage.
- The former Dyeworks mill chimney needs protecting.
- Having read the report, I don't feel the developments have a case for demolition.
- The chimney has been a landmark for a long time and should be saved at all costs.
- The Colne Valley once bristled with chimneys.
- Its upkeep surely could be paid for somehow, I feel the chimney doesn't intrude into the building space and was I believe included in the initial plans.
- The chimney was originally included in the plans that were put forth and agreed for the new development, why now decide that it should no longer remain.
- New builds should be in keeping with the area, rather than changing the landscape.
- Demolition of the chimney may require logistical issues like closing the roads.
- The developers can develop the site with it, so as to keep a significant structure in the area and surely there are cost benefits to keeping it, as it won't add to cost in demolishing it?

Support:

- I support the demolition of the mill chimney having personally known the steeple jack who repaired it over many decades, as they commented years ago saying that the chimney was in need of maintenance to keep it safe.

Given the nature of the additional information provided, it was not considered necessary to re-advertise the application.

Ward councillor comments
Councillor McLoughlin: *I have spoken with the local community group who are all keen to see the site cleared and developed. The only regret I and other appear to have is that the new development would remove the large old chimney which rises up from the site. It is somewhat iconic and acts as a visual reminder of the Valley's industrial past and I would ask, if it is at all possible, that efforts be made to save it. As for the other buildings, nobody is sorry to see them go, they are dangerous. Having said all that, nobody I spoke to is willing to see the development halted just for the sake of the chimney.*

Officer comment: The concern regarding the demolition of the chimney has been noted.

Consultation Responses
The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Conservation and Design: On balance, based on the evidence submitted, the Conservation and Design Team accepts that the cost of retaining and maintaining the chimney will have an impact on the redevelopment of the site for a use which will benefit the local community. The harm caused by the demolition of the chimney is outweighed by the public benefits of providing supported accommodation and therefore we regrettably have no continuing objections to this proposal.

Historic England: do not wish to offer any comments.

West Yorkshire Archaeology Service (comments provided on application 2021/94670 but some are relevant to this application): The justification provided for the demolition of the chimney is not sufficient and therefore, based on the significance and rarity and its location within a Conservation Area, the planning application should be refused.

Note: Officers have also followed up this consultation with West Yorkshire Archaeology, having received the additional inspection report and justification from the applicant. This allowed 4 working days for any conditions to which WY Archaeology would like to add to the decision notice. In this instance, no final comments/ recommendations were received.

KC Ecology: The bat survey report submitted with the application found that the chimney was determined to have low bat roosting suitability and subsequent activity surveys at the site found roosting bats to be likely absent from the site. As such, no objections have been raised subject to a condition being attached to the decision notice regarding no vegetation to be removed between the 1st March – 31st August.

Policy
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).

The site is situated within Linthwaite Conservation Area.

Kirklees Local Plan (LP):
• LP1 – Achieving sustainable development
• LP2 – Place shaping
• LP21 – Highway safety and access
• LP24 – Design

• LP30 - Biodiversity
• LP35 – Historic environment
• LP51 – Protection and improvement of local air quality
• LP52 - Protection and improvement of environmental quality

National Policies and Guidance
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

• Chapter 2 – Achieving sustainable development
• Chapter 4 – Decision-making
• Chapter 12 – Achieving well-designed places
• Chapter 15 – Conserving and enhancing the natural environment
• Chapter 16 – Conserving and enhancing the historic environment

Other Considerations
• Linthwaite Conservation Area Appraisal

Assessment
The following matters are considered in the assessment below:
1.Principle of development
2.Impact on visual amenity (including impact on historic environment)
3.Impact on residential amenity
4.Impact on highways
5.Other matters
6.Representations
7.Conclusion

1. Principle of development
The site is located within Linthwaite Conservation Area on the Kirklees Local Plan. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant, which requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, Policy LP35 of the Kirklees Local Plan states *"development proposals affecting a designated heritage asset…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"*.

Alongside this, Policy LP1 of the Kirklees Local Plan (KLP) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that: *"good design should be at the core of all proposals in the district."*

2. Impact on visual amenity and heritage

As outlined above, the proposal is to demolish the landmark chimney at the partially cleared site of a purpose-built dye works, which evolved from premises built for James Dyson in 1860. The submitted Heritage Statement (August 21) notes (para 6.70) that the chimney (referred to as Building C) is the oldest surviving component of the former dyeworks and starts that:

"Although the surrounding buildings have been demolished the chimney appears to be original in appearance and is an easily recognisable industrial structure from the 19thcentury.The loss of surrounding buildings has not undermined the understanding and function of the structure. The chimney has a specific function than can be understood even as a stand-a-lone structure…. and clearly represents an industrial function at the site historically".

The Heritage Statement acknowledges (para.71), that, "*The chimney is a widely visible landmark within the Conservation Area and is a clear material representation of 19th century industry which much of the Conservation Area was built upon".* It is thus acknowledged as being of some heritage significance. The Heritage Statement concludes (para 6.72) that, *"Overall Building C [the Chimney stack] makes a high contribution to the architectural interest of Conservation Area and the significance of the site".*

However, the Structural Report on the Mill Chimney (ref: HD21022, dated 2nd August 2021 Rev A) notes that, "*there are significant problems with the state of repair of the chimney"* (page 10) and provides a range of options from demolition to repair. It concludes that, "*the chimney can be put into repair, however significant works will be required to achieve this, there would also be ongoing maintenance of the chimney needed. We would therefore recommend that the chimney is demolished."*

In this instance, concerns were originally raised by Conservation and Design Officers, as the justification proposed is not considered to overcome the harm caused. As such, further information has been provided including an Inspection Report dated 1st September 2022, and additional justification by the developer via email.

The inspection report, provides a summary of the condition of the chimney, detailing extensive cracking and failure of the structure at high level.

The following recommendations have been submitted in the report:

1. Demolish the structure to 8m from ground level where it is buried into the embankment and cap the remaining chimney.

2. Demolish the upper 12m section and cap the remaining chimney, with strapping and repointing.

The demolition of the unstable top 12 metres is accepted for safety reasons and future maintenance liability; however, this would leave a truncated stack, with the loss of architectural detailing including the metal cone and high-level stone string course. Although a structure will remain, the significance of the chimney, including when viewed from a distance, will be compromised.

Significance of the affected heritage assets
Neither the chimney nor any of the surviving site buildings are listed but they are included on the West Yorkshire Historic Environment Record (WYHER) as a Class-III Archaeological Site (PRN 6662), affording some local historic interest and significance to the remaining buildings and its site. The building complex is also located within the Linthwaite Conservation Area, with the currently surviving buildings considered to be both local landmarks and positive contributors to its character and appearance (including in the published Conservation Area Appraisal).

The former dye works comprised a compact group of interconnected stone-built buildings, of varying dates, stepped into the steeply rising ground and (despite the extent of recent clearance) retain evidence of the evolution and adaption of the historic site processes. The most notable currently surviving buildings are the: 1906 office/warehouse block (fronting Manchester Road), a dye house (flanking Hoyle Ing) and the mill chimney which together retain the identity of the site as an example of an important and specialist local industry. The surviving buildings are thus considered to be of local heritage significance and Non-designated Heritage Assets.

Therefore, paragraph 202 of the NPPF, requires LPA's to consider the impact of a proposed development on the significance of a designated heritage asset, whereby 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.

Justification
Paragraph 200 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm; if this is deemed to accrue.

In this case, additional correspondence has been received from the applicant, which outlines the significant costs associated with re-developing this brownfield site to provide supported living accommodation. The additional costs required to repair the chimney and maintain it in the future, either full height or in a truncated form, would impact on the delivery of a scheme which has clear public benefits.

As such, Officers accept that the provision of affordable supported housing is a clear public benefit, and we support the redevelopment of this brownfield site. We also accept that the chimney is in poor condition.

Therefore, on balance, and based on the evidence submitted with the application, the Conservation and Design Team accepts that the cost of retaining and maintaining the chimney will have an impact on the redevelopment of the site for a use which will benefit the local community. The harm caused by the demolition of the chimney is concluded to be outweighed by the public benefits of providing supported accommodation and therefore with regret there are no continuing objections to this proposal.

However, it is recommended that the adjacent retaining wall to the existing chimney is consolidated and repaired using reclaimed stone from the existing site or stone to match the existing. This is to accord with Policies LP24 and LP35 of the KLP and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity
It is considered that the proposal has no implications for residential amenity, however, a note will be attached to the decision notice regarding the appropriate hours of construction/demolition in order to minimise noise disturbance at nearby premises.

4. Impact on highway safety
It is considered that the proposal would not impact negatively on highway safety in any way and would accord with the aims of Policy LP21 of the Kirklees Local Plan.

5. Other matters
Biodiversity
Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application has been submitted with a Bat Survey and Activity Survey, which has formally been reviewed by KC Ecology. In this case, the report found that the chimney was determined to have low bat roosting suitability, with the subsequent activity surveys showing that roosting bats are likely to be absent from the site. Therefore, the Council's Ecologist has raised no objection to the application, subject to a condition being attached to the decision notice to state that no vegetation shall be removed between 1st March to the 31st August inclusive.

This is to accord with the above legislation and policy.

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal (demolition), it is not considered reasonable to require the applicant to put forward any specific resilience measures.

6. Representations

As a result of the above publicity, 6 representations have been received. A summary of the comments made along with Officer correspondence, can be seen below:

Objections:

- Please only partial demolition of the chimney. Linthwaite is already losing too much of its heritage.
- The former Dyeworks mill chimney needs protecting.
- The chimney has been a landmark for a long time and should be saved at all costs.
- The Colne Valley once bristled with chimneys.
- Its upkeep surely could be paid for somehow, I feel the chimney doesn't intrude into the building space and was I believe included in the initial plans.
- The chimney was originally included in the plans that were put forth and agreed for the new development, why now decide that it should no longer remain.
- The developers can develop the site with it, so as to keep a significant structure in the area and surely there are cost benefits to keeping it, as it won't add to cost in demolishing it?
  Comment: These comments have been noted and have been considered in detail by Heritage Officers.

- Demolition of the chimney may require logistical issues like closing the roads.
  Comment: Given the location of the chimney within the site, it is unlikely to cause any wider disruption that would be material to the consideration of this planning application. If road closures are required during the demolition period, this would need to be agreed with the Council acting as Highway Authority.

- Having read the report, I don't feel the developments have a case for demolition.

Comment: Additional information/justification has been provided in respect of the demolition. The justification put forward – balanced with the public benefits of developing the site – is sufficient to regrettably support the application.

- New builds should be in keeping with the area, rather than changing the landscape.
  Comment: This has been noted, however, the application is only seeking permission for the demolition of the chimney.

Support:

- I support the demolition of the mill chimney having personally known the steeple
  jack who repaired it over many decades, as they commented years ago saying that the chimney was in need of maintenance to keep it safe.
  Comment: This has been noted.

7. Conclusion

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.

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers
Application Number: 2021/94669
Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, to preserve the significance of the Linthwaite Conservation Area and to accord with Policies LP1, LP2, LP21, LP24, LP30, LP35 of the Kirklees Local Plan and Government guidance contained within the National Planning Policy Framework.

3. No vegetation removal shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

4.Any works to consolidate and/or repair the retaining wall adjacent to the existing chimney, shall be done in reclaimed stone from the existing site, or a stone which shall in all respects match the stonework used at the site. The wall shall thereafter be retained in such material.
Reason: In the interests of visual amenity and heritage, to preserve the character and appearance of the Linthwaite Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:
• 07.30 and 18.30 hours Mondays to Fridays
• 08.00 and 13.00hours, Saturdays
• With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	-	-	17th December 2022
Proposed wider site plan	HA-MRLW-001	A	17th December 2022
Nocturnal Bat Survey Report	17499	-	17th December 2022
Preliminary ecological appraisal & preliminary bat roost assessment	17281	-	17th December 2022
Structural Report	HD21022		17th December 2022
Additional justification	Email received on 5th May 2022	-	5th May 2022
Inspection report	MTG/NMG/11/2940	-	23rd September 2022
Additional justification (confidential)	Email received on 17th November 2022	-	17th November 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, as part of the application process an additional inspection report and further email from the

agent justifying the works have been received. These were sought on the 23rd September and the 17th November 2022.