

**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:	2021/62/94670/W
Site Address:	Former Hoyle Ing Dyeworks, Hoyle Ing, Linthwaite, Huddersfield, HD7 5QS
Description:	Planning permission for demolition of existing mill building (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.

Stuart Howden

AUTHORISED OFFICER

Date: 16th August 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 and subject to this application), the dye house (abutting Hoyle Ing) and the mill chimney. The office building is predominantly constructed from natural stone with a stone slate roof and is set over two floors.

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 comprising the demolition of the office building. The applicant's justification for this operation is that the building is in a poor structural condition and further investigations have found dangerously high levels of naphthalene. Further details have been provided within the structural survey submitted with the application. This application does not relate to the chimney.

Following demolition, the site is subject to being re-developed for affordable housing. An application for this is currently in with the Council under reference 2021/94664.

Relevant Planning History

2011/90931 – Demolition of part of industrial mill, conversion of mill buildings into 10 dwellings and erection of new dwellings with associated parking – Approved on 10/9/2012.

2011/90932 – Conservation Area Consent for demolition of part of industrial mill – Approved on 10/9/2012.

2014/91813 – Demolition of part of mill, alterations to convert mill building into 6 dwellings and erection of 11 dwellings with associated parking – Approved on 8/10/2014.

2015/93424 – Demolition of part of mill, alterations to convert mill buildings into 3 dwellings and erection of 10 dwellings with associated parking – Approved on 2/2/2016.

2016/90538 – Discharge of condition 19 (affordable housing) on previous permission 2015/93424 for demolition of part of mill, alterations to convert mill buildings into 3 dwellings and erection of 10 dwellings with associated parking – Approved on 5/4/2016

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

2021/94669 – Planning permission for demolition of chimney – Pending.

The building subject of this current application (proposed for demolition) was intended to be retained as part of the latest approval at the site (2015/93424). Whilst buildings at the site have relatively recently been demolished, residential properties have not been constructed at the site.

History of negotiations/amendments received

No negotiations or amendments have been sought as part of this application. However, an updated site plan was received 13th May 2022, but this was in relation to changes made on the application to re-develop the site therefore re-consultation under this application was considered unnecessary on receipt of such information.

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, no representations have been received.

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: No objection in principle, to its demolition, due to the relatively modest heritage value and the potential hazard presented by the structure.

KC Ecology: No objection, however a license will need to be applied for once the allied planning permission for the re-development of the site is granted and with the updated hibernation report adhered to.

West Yorkshire Ecology Service: The applicant will require Natural England protected species licenses to destroy the roosts. The demolition of the building should also not be done when bats are hibernating.

Historic England: We do not wish to offer any comments.

West Yorkshire Archaeology: Comments were made solely on the demolition of the chimney. This would be assessed under a separate application 2021/94669.

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 and geodiversity
- LP35 – Historic environment
- LP51 – Protection and improvement of local air 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- 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
1. Impact on visual amenity (including impact on historic environment)
2. Impact on residential amenity
3. Impact on highways
4. Other matters
5. Representations
6. Conclusions

1. Principle of development

The site is located within Linthwaite Conservation Area on the Kirklees Local Plan and is also adjacent to a row of Listed Buildings. Therefore, Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which 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.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) 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 former 1906 Office/warehouse building at the partially cleared site of a purpose-built dye works, which evolved from premises built for James Dyson in 1860. The Heritage Statement (August 21) accompanying the main development application notes that this building was an *“extension to the existing dyeworks in 1906”* and that its *“architectural interest might only be assigned to minor details of the front elevation, where attention appears to have been given to creating a public facing part of the works, namely the treatment of windows and doors, which themselves are not in original condition or appearance. The architectural interest of the front elevation is medium/moderate at best”* (para.6.62).

The Heritage Statement continues to state that, *“the building cannot be considered to be representative of dyeworks buildings of the area and it is only through research and gaining an understanding of the history of the site from archival sources that the former use can be identified”* (para. 6.63).

Consequently, it is concluded in the report that the building *“makes a low contribution to the architectural interest of the Conservation Area”* (para 6.64).

This site has been subject to a series of commercial housing development proposals which have retained the chimney stack but failed to be realised. The site and the surviving buildings are now subject to three related applications: 2021/94664, 2021/94669 and 2021/94670 the cumulative impact of which would be the clearance of the remaining Dye Works buildings and the redevelopment of this prominent Conservation Area site. It is, therefore, essential to consider the heritage impact in terms of its impact on the designated area.

As such, weight has been afforded to paragraph 207 of the NPPF which states that *“ loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”*.

In this instance, KC Conservation and Design have been formally consulted whereby the officer has noted that none 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 Linthwaite 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 and subject to this application), the dye house (abutting 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. These buildings were to be retained and integrated into previous developments. The mill building is now proposed to be demolished as part of the wider re-development.

It is a minimum redevelopment expectation (in accordance with the requirements of the NPPF and Local Plan Policy LP35) that significant, character-defining, heritage assets are retained and inform the design form of any proposals, unless there are exceptional reasons to justify their loss, such as the delivery of substantial public benefits. The demolition of the 1906 Office/Warehouse (and the related applications) has been considered in the

context of the above and it is considered that the proposal would result in less than substantial harm to the conservation area.

Paragraph 202 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 impact of the current application, considered in isolation, has been considered by Heritage Officers to provide no apparent public benefits in which outweigh the harm to the loss of a heritage asset. However, a Structural Report has been submitted as part of this application to demonstrate that the building is showing significant signs of neglect and is considered to be in a poor structural condition. The Geo-environmental investigation has also found dangerously high levels of naphthalene, and therefore the recommendation is that the building is demolished. In addition to this, planning permission (2021/94664) has just been granted to deliver a high quality replacement development within the wider area of the works which will help to enhance the conservation area, and to deliver this the demolition of this building is noted to be required. A condition has also been attached to aforementioned permission regarding the methodology for re-developing the site

As such, the potential for the site’s re-development is fully realised and the demolition and site hazard treatments should be demonstrably tied to the delivery of specialist accommodation. These public benefits are considered to outweigh the less than substantial harm to the conservation area.

Subject to the above, the proposal is considered to comply 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

West Yorkshire Ecology and KC Ecology have both been formally consulted as part of this application. An updated hibernation survey report has also been provided in order to demonstrate a robust assessment of the roosting stability of the buildings on site.

A total of five roosts have been identified in building B2 on site. As such, demolition of B2 will need to proceed under a European Protected Species

Mitigation Licence (EPSML). This licence is to be applied for once full planning permission is granted with all recommendations included in the updated bat hibernation report adhered to, including the production of a method statement detailing the measures required to ensure no bats will be harmed during the proposed construction and demolition works. It was found that no other buildings on site provided evidence of roosting bats. The EPSML should only be applied for once full planning permission is granted and all conditions relating to nature conservation discharged. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

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. However, it has been noted that some of the stonework from the demolition of the mill building could be kept and re-used to create the low boundary wall as part of the allied planning application (2021/94664).

6. Representations

No representations have been received.

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: 2021/94670

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, and to accord with Policies LP1, LP2, LP21, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan and Government guidance contained within 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.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Please note that you will need to proceed under a European Protected Species Mitigation Licence (EPSML). This licence is to be applied for once full planning permission (under application 2021/94664) is granted with all recommendations included in the updated bat hibernation report adhered to, including the production of a method statement detailing the measures required to ensure no bats will be harmed during the proposed construction and demolition works.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	HA-MRLW-002	-	17 th December 2021
Nocturnal Bat Survey Report	17499	-	17 th December 2021
Preliminary Ecological Appraisal & Preliminary Bat Roost Assessment	17281	-	17 th December 2021
Structural inspection report	Dated August 2021	-	17 th December 2021
Proposed site plan under application 2021/94664	HA-MRLW-001	C	13 th May 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, no negotiations or amendments have been sought as part of this proposal, as officers considered the information submitted to be sufficient. However, an updated site plan was received on 13th May 2022, to reflect the changes on the application to re-develop the site.

Dated: 16th August 2022.