

Agenda

MUNICIPAL YEAR 2016-2017



HYNDBURN

The place to be
an excellent council

Planning Committee

Wednesday, 16 November 2016 at 2.00 pm,
Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Bernard Dawson
Vice-Chair: Councillor Loraine Cox

Councillors Judith Addison, Mohammad Ayub, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson

S U P P L E M E N T A L A G E N D A

The following item is submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure that consideration is given to the report at the next meeting on grounds of health and safety.

4. **Rhyddings Mill Report** (Pages 3 - 16)

The Planning and Transportation Officer submitted a report to inform Members of an application for relevant demolition of warehouse units in the Rhyddings conservation area.

Recommended - That Members give consideration to the report.



This page is intentionally left blank

Report for: Planning Committee

Application Ref: 11/16/0337

Application Address: Rhyddings Mill, Rhyddings Street, Oswaldtwistle

Application for relevant demolition of warehouse units in a conservation area

Date Registered: 2nd September 2016

Date for Decision: 28th December 2016

Site and Proposal

Demolition of warehouse units within the Rhyddings Conservation Area. The site of the former Rhyddings Mill is located on 1.35ha of land south west of Rhyddings Street in Oswaldtwistle. The site is triangular in shape and abuts Tinker Brook along its western boundary, Rhyddings Street on its eastern boundary and a large portal frame building / car park on the southern boundary that is used by a local church group.

The eastern part of the site is located within the Rhyddings Conservation Area. The applicant is proposing to demolish the old Engine House and a more modern industrial building within the site. At the time the Rhyddings Conservation Area Appraisal and Management Plan was undertaken the former Mill was a Grade II listed building, however, in XXXX a fire destroyed the weaving sheds and resulted in the demolition of the chimney and the building was delisted by Historic England in August 2013.

The application proposes the demolition of a number of buildings / structures within the site:

- i. The modern portal frame industrial / warehouse buildings located immediately to the north of the engine house;
- ii. The demolition of the remaining sections of the former mill engine house; and,
- iii. The demolition of a number of smaller structures attached to these buildings.

The applicant has submitted a Heritage Statement and a Bat Survey in support of the application.

It is not proposed to demolish the two gatehouses on Rhyddings Street and the wall that forms the boundary of the site on Rhyddings Street will also remain in place.

Consultations

The following consultation responses have been received.

Historic England

Rhyddings Mill is a former cotton weaving mill and is surrounded by development which occurred as a direct result of the presence of the mill. For example, the surrounding

residential properties were constructed by the mill founders, the Watson Brothers, to house those in their employment at the factory. The parish church was also constructed as part of this scheme.

The mill complex itself is described as being the first independent weaving mill in Oswaldtwistle; constructed in 1856 and further described as having considerable architectural pretensions. Unfortunately, the complex has been the subject of fire damage and a number of sections have been lost, leading to the mill buildings being delisted. However, the site remains a fundamental and significant part of the character of the surrounding conservation area, being intrinsically linked to its development, form and layout.

The current application seeks to demolish a number of the remaining sections of the mill complex including the former Engine House and the weaving sheds. A similar proposal has been previously considered by ourselves in 2015 and at which point we raised concerns regarding the level of information provided for our consideration. Having reviewed the current documentation, those concerns remain valid. Whilst a Heritage Statement has been provided in support of the application, it is not felt to sufficiently identify the significance of the individual remaining elements of the mill, but also doesn't appropriately consider the significance of the mill complex in terms of the wider conservation area and therefore does not fully establish the level of harm that would occur to this asset, were the buildings to be lost.

We do, however, appreciate that despite the analysis of the significance of the site not being as thorough as would be expected, the report does conclude that harm would be caused by the loss of the engine house, but that it then goes on to state that this harm is outweighed by the *'public benefit of removing the life safety risks and realising the enhancement opportunities of the wider site.'*

Whilst we accept that the mill building is in a poor condition, the application does not provide evidence to support total demolition as the only way to remove any threats to health and safety. In order for the local planning authority (LPA) to consider this point as part of the clear and convincing justification to demonstrate that for the harm the loss of the buildings would cause, is necessary, a structural report should be provided to the LPA to support the statements regarding the structures condition.

With regard to the enhancement opportunities of the wider site, it is not possible to consider the potential of this matter, as at present no proposals are put forward for formal consideration and essentially the demolition would result in a harmful gap site in the conservation area.

This is contrary to paragraph 136 of the National Planning Policy Framework (NPPF), which states that local planning authorities should not permit the loss of a heritage asset without taking all reasonable steps to ensure new development will proceed after the loss has occurred.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires local planning authorities to pay special attention to the desirability of preserving and/or enhancing the character or appearance of a conservation area. The present application

seeks to demolish structures of significance from the conservation area and as a result cannot be found to be in line with the requirements of the act.

The National Planning Policy Framework further requires that the loss of a heritage asset requires clear and convincing justification (NPPF 132) and despite reference being made to the poor condition of the buildings to be demolished, this is not supported by a structural survey to evidence the need for the total loss of the structures and paragraph 132 cannot be found to have been met.

It is also our view that the heritage statement has not fully considered the significance of the mill complex as part of the defining characteristics of the conservation area and as a result does not comply with the requirements of paragraphs 128 & 129 of the NPPF.

We are not able to support the current application, as the proposals for the demolition of sections of the mill complex would result in unjustified harm to the significance of the conservation area through the loss of a defining building and would result in a gap site, which in itself would cause harm.

Historic England - Recommendation

We recommend that determination of the application is deferred until the Local Planning Authority is satisfied that a clear and convincing justification has been provided for the loss of the buildings and that an appropriate scheme of redevelopment has been submitted for consideration.

Highways Authority (Lancashire County Council)

The demolition site borders directly onto highway on three sides, being adjacent to the adopted classified highways of (B6231) Union Road, (C630) Rhyddings Street and the unadopted road of Watson Street. It is however likely that the site will be accessed via the unadopted road of Watson Street. If this is the case I would suggest that before and after surveys are undertaken to ensure the private road does not suffer damage as a result of the demolition process to the detriment of the street managers.

The County Council would offer no objection to this application. However I would ask that it is made a condition of any planning approval that a Construction Method Statement (CMS) is provided. The CMS should detail the following information to the satisfaction of the Local Planning Authority:-

- Parking proposals for workers involved in the demolition.
- Loading and unloading of plant proposals.
- Storage of plant and material proposals.
- Erection and maintenance of security hoardings proposals.
- What measures will be put in place to avoid the possibility of the public highway being affected by the deposit of mud, debris or loose materials from the demolished site thus creating a potential hazard to road users.
- Details of how vehicular and pedestrian traffic in the vicinity of the site will be effected.

- What measures will be put in place to protect vehicular and pedestrian traffic in the area if necessary.
- What measures will be put in place to manage pedestrian and vehicular flows during demolition operations if necessary.
- What measures will be put in place to protect the highway infrastructure (footways, carriageways and street lighting) from impact damage and damage from vehicles associated with the demolition operation.

In order to assist I can offer the following advice:-

- There must be no reversing into or off the live highway at any time – all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
- A licence to erect a hoarding may be proposed and required. This can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 0300 123 6701 or e-mailing highways@lancashire.gov.uk
- All references to public highway include footway and carriageway.

Hyndburn Borough Council - Environmental Health

No objections provided conditions are attached relating to the hours of operation and appropriate measures being taken to prevent nuisance being caused to residents from noise, dust and fumes arising from the works.

Conservation Officer:

Trees and Woodlands officer: No objection.

Relevant Planning History

11/15/0322 Application for relevant demolition in a conservation area – demolition of warehouse units within Rhyddings Conservation Area- withdrawn

Relevant Policies

Hyndburn Core Strategy

- Policy Env2 – Natural Environment Enhancement
- Policy Env 4 – Sustainable Development and Climate Change
- Policy Env 6 – High Quality Design
- Policy Env 7 Environmental Amenities

Hyndburn Borough Local Plan

- Saved Policy E.10 – General Development Criteria

National Planning Policy Framework

- Achieving Sustainable Development and the Presumption in favour of Sustainable Development
- Core Planning Principles
- Conserving and Enhancing the Historic Environment

Rhyddings Conservation Area Appraisal and Management Plan

Observations

Planning permission is sought for relevant demolition of buildings in a conservation area. The application was originally submitted in 2015 but this application was withdrawn because it was not accompanied by a Heritage Statement or a Bat Survey. This work has now been undertaken and the information has been submitted in support of the current application.

Rhyddings Mill was once a prominent feature within the Rhyddings Conservation Area and in 1989 the former weaving mill was listed (Grade II). The listing consisted of *the principal warehouse and preparation block with weaving shed to the rear, the works entrance and engine house adjacent to the left, the chimney stack, and the front perimeter walls and two entrance lodges*. The mill was considered to be an interesting example of a mid 19th Century textile mill that was designed with considerable architectural pretensions as part of a larger-scale urban development that included employees houses.

The Mill Buildings have, however, been vacant for many years and the site has been subject to fires, persistent vandalism and theft of materials. The former weaving sheds have been destroyed by fire and concern about the structural integrity of the chimney resulted in its demolition in 2012. The walls of the engine house remain in place but are at risk of collapse and the Council has served a notice under s.78 of the Building Act that requires partial demolition of the upper parts of the structure.

The applicant is not proposing the demolition of the peripheral wall and the two entrance lodges, these do not form part of the application. Part of the site is within a flood risk area and it is important that this is taken into consideration when the future of the site is considered.

The proposed demolition has raised a number of issues that will be considered in turn:

- i. Ecology and the presence of bats;
- ii. Highways Issues;
- iii. Amenity Issues; and,
- iv. Heritage issues.

i. Ecology

The buildings and structures on the site have the potential to house bats and the applicant has therefore undertaken a survey of the site to determine whether bats were present. The survey found no evidence of the presence of bats during the site inspection although there were a number of potential roost sites identified. These were considered to have low or moderate potential.

The Council's Trees and Woodlands Officer has considered the proposal and is satisfied there is no current concern regarding bats. However the bat report submitted with the application states that further bat surveys maybe required if the demolition takes place after the end of February 2017. As such a suitable condition is attached to the planning permission in line with Policy Env2 of the adopted Core Strategy.

The applicant has also undertaken a survey of nesting birds and has recommended that a further survey of nesting birds is undertaken if the demolition works are undertaken between February and September to check for the presence of nesting birds.

Japanese Knotweed has been found on small portions of the site. The Trees and Woodlands Officer has also requested that a condition is attached to ensure that all invasive species are eradicated from the site. The applicant has submitted a report stating how this will be done and a suitable planning condition is attached in line with Policy env4 of the adopted Core Strategy.

Subject to implementation of the mitigation measures set out in the Ecology Report, the proposed development satisfies the requirements of the relevant regulations, the National Planning Policy Framework and Policy Env of the Hyndburn Core Strategy.

ii. Highways Issues

The Highways Authority have considered the proposal and have no objection provided a Construction Method Statement is submitted Construction Method Statement is provided that considers a variety of operational matters. A number of conditions have also been recommended in the interests of highway safety.

Subject to the imposition of appropriate conditions to ensure that the proposed development does not have an adverse impact on highway safety, it is considered that the development satisfies the requirements of the National Planning Policy Framework and local policy (Policy E10 in this respect.

iii. Amenity Issues

The demolition of buildings has the potential to cause noise, dust and disturbance. This could arise from the demolition works themselves and the movement of vehicles to and from the site.

The Council's Environmental Health Officer has recommended that appropriate planning conditions be used to minimise the impact of the development on local amenity. The site does

benefit from having a high stone wall around the periphery, which will remain in place, and the buildings that are proposed to be demolished are towards the centre of the site.

The southern boundary of the site is also in close proximity to a building and car park used by a local community group. It is important that appropriate measures are taken to ensure that the demolition works are properly managed along this boundary. Subject to the works being properly managed and appropriate information being submitted before the commencement of development, the proposed demolition should not have an unacceptable impact on local amenity and would comply with Policy Env7 of the Hyndburn Core Strategy and Policy E10 of the Hyndburn Local Plan.

iv. Heritage Issues

The key issue to be considered with regards to the demolition of Rhyddings Mill warehouse units is the impact on heritage of the conservation area. Section 71 (1) of the Planning (Listed buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving and/or enhancing the character or appearance of a conservation area. Policy Env6 also requires that development retains historical associations where possible and enhances the setting of historic structures and areas.

The applicant has submitted a Heritage Statement with the application which initially did not consider the impact on the wider conservation area of removing the structures. Historic England has raised concerns about the proposed demolition, recommending that the application be deferred until the Local Planning Authority is satisfied that a clear and convincing justification has been provided for the loss of the buildings and that an appropriate scheme of redevelopment has been submitted for consideration.

a. The Removal of the Former Engine House

The former engine house is the tallest remaining building on the site and formed part of the original listing. Although the walls are present, it has no roof and the condition of the building has been steadily deteriorating and is now in a dangerous condition. Concerns about the safety of the building have been raised by the Fire Service and the applicant's agent and in response to those concerns the Council's Building Control Surveyor has inspected the building and recommended that the Council serve notice under s.78 of the Building Act on the grounds that the building is considered to be immediately dangerous.

The applicant has submitted the report of the Chartered Surveyor that was used to support the application for delisting the former mill. The Council's Building control Surveyor believes that since this report was undertaken, the condition of the building has steadily deteriorated and that it is now immediately dangerous. Given the height and condition of the building, it is not considered practicable or viable to scaffold the building as a means of seeking to redevelop it for alternative uses.

The former engine house building is located in a conservation area and for this reason the notice under s.78 of the Building Act can only require the demolition of those parts of the

building needed to make it safe. Many of the more attractive features of the building are at this higher level and once they have been removed it is considered that the removal of the lower walls would not result in significant additional harm to the conservation area.

The Heritage Statement prepared by the applicant's heritage consultant acknowledges that the proposed demolition would give rise to less than substantial harm. The National Planning Policy Framework advises that *when considering the impact of a proposed development on a designated heritage asset, great weight should be given to the asset's conservation*¹. Paragraph 134 of the National Planning Policy Framework 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 securing its optimum viable use."*

In this instance it is known that people enter the site and the adjacent owner moved out of the building having concerns about the risks presented by the former engine house. The clearance of this part of the site would also enhance opportunities for the site to be redeveloped, removing the significant blight that local residents have now suffered for many years. It is considered that these public benefits outweigh the harm that would arise to the conservation area through the demolition of this structure.

b. The removal of the industrial buildings on site

The application also proposes the removal of a number of industrial buildings on the site that were thought to have been constructed in the late 20th Century (c.1980's). The buildings comprise steel portal frame buildings and although they do not have intrinsic heritage value they represent a continuation of the industrial use of the site. The buildings are vacant and are also in a poor state of repair, contributing to the general state of dereliction suffered by the site.

It is therefore considered that the benefits associated with the removal of these buildings outweighs the heritage benefits deriving from their retention.

c. The afteruse of the site

One of the concerns raised by Historic England is that the proposed demolition is contrary to paragraph 136 of the National Planning Policy Framework which states that *local planning authorities should not permit the loss of a heritage asset without taking all reasonable steps to ensure that new development will proceed after the loss has occurred*.

Whilst it is acknowledged that the demolition of the former engine house would give rise to less than significant harm, this is partly considered necessary in the interests of public safety. Whilst the absence of a planning application or scheme for the redevelopment of the site weighs against the proposed development, it is important to recognise that in its current condition the site is unlikely to be viable and the removal of the buildings should help make

¹ National Planning Policy Framework, para 132.

the site more attractive to potential developers. The Council is meeting with agents acting on behalf of the owner to discuss the redevelopment of the site and as part of this process it will be necessary to consider the uses to which the site can be put and the means by which a scheme for this site should be designed.

The removal of the buildings on this site should help improve the attractiveness of the site to potential developers. Work undertaken as part of the development of the Borough's local plan has confirmed that the many of the previously developed sites within Hyndburn struggle to be viable and this is likely to be the reason why this site has been derelict for such a long time. The Council has been in discussion with the owner, who resides abroad, and at this stage the Council is optimistic that the demolition of these buildings represents the first step towards the development of a scheme for this site.

Whilst the site has an industrial past, its location adjacent to Oswaldtwistle town centre and in proximity to residential development, does not make it attractive to industrial occupiers / users. It is likely to be more suitable for alternative forms of development such as housing and although the retention of the industrial buildings would continue that connection the buildings are unlikely to be utilised and their condition will continue to deteriorate and the former mill will continue to blight the area. There is a need to break this cycle of dereliction and the removal of these buildings brings the redevelopment of this site a step closer.

Other issues

The application site lies within the path of the riverside footpath link from Oswaldtwistle town centre to Jack House which is currently being upgraded in a piece meal fashion as development comes forward. It is necessary to ensure that should the site be developed in the future, this path is upgraded as part of a planning permission. It is important to note that should this site be developed in the future, for example for housing, then the Environment Agency is likely to request that an easement is left adjacent to the bank of Tinker Brook which would be wider than this anyway.

A condition requesting this path would not be appropriate should planning permission be granted for the proposed demolition, however, it would form an important part of the conversation when discussing the future of the site.

Conclusion

One of the Core Planning Principles of the National Planning Policy Framework is to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. Whilst it is recognised that the demolition of the engine house would cause (less than substantial) harm to the conservation area, this site has blighted Oswaldtwistle for many years and is currently having an adverse impact on the quality of life of local residents and will continue to do so unless positive steps are taken to encourage the sites redevelopment.

Whilst it is important to recognise that the mills in Accrington were responsible for the transformation of the town and powered the industrial revolution, over the past twenty years the condition of the mill has steadily deteriorated and this process was accelerated by a number of fires on the site and the demolition of the chimney. Most of the mill no longer remains and the building was de-listed in 2013.

Although most of the site remains concealed from view by the high stone wall on Rhyddings Street, it continues to blight the area and officers have raised serious concerns about the structural integrity of the former engine house and the risks that the building presents to people who may enter the site, particularly children.

The site is unlikely to be redeveloped for industrial purposes and it is necessary for the local planning authority to work with the site owners to develop a high quality scheme for its redevelopment. The retention of the buildings on this site makes this less likely and the site will be less attractive to potential developers. It is recognised that the absence of a planning application for the redevelopment of this site weighs against this proposal, but it is not considered reasonable to expect the residents of Oswaldtwistle to continue to suffer the environmental blight presented by this site for any longer than necessary when there is an opportunity to take a step towards its redevelopment. Although Historic England have asked for the decision on the application to be deferred until a clear and convincing case has been presented, this approach would only serve to prolong the blight and problems that are presented by this site.

For these reasons it is considered that the public benefits associated with the demolition of the buildings within the area proposed outweighs the harm arising and that planning permission should therefore be granted in accordance with the conditions recommended.

Conditions

1. This consent shall expire 5 years from the date of this notice.

Reason: To accord with Section 11, Class B of the Town and Country planning (General Permitted Development) Order 2015 (as amended) and for the purposes of amenity and public safety.

2. The development hereby permitted shall not be carried out otherwise than in strict accordance with the following submitted details:
 - a) The planning application submitted to Hyndburn Borough council on 2 September 2016;
 - b) The Location Plan dated 2 September 2016
 - c) The Heritage Statement submitted in support of the application and dated 2 September 2016;
 - d) The Ecology Survey undertaken by Ecology Services UK Ltd dated 28th September 2016, and
 - e) The information submitted by Knotweed Eradication dated 25th October 2016.

Reason: For the avoidance of doubt and to define the permission.

3. Demolition works shall not take place except between 0800 and 1800 Monday to Friday and between 0800 and 1300 hours on a Saturday. Works should not take place on Sundays and Public Holidays.

Reason: To ensure that the works take place during normal working hours and that they do not have an adverse impact on the amenity of nearby residents and occupiers in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy E10 of the Hyndburn Local Plan.

4. Prior to the commencement of development a scheme and programme shall be submitted that sets out how the site will be landscaped following the completion of demolition operations.

Reason: To protect local amenity in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy E10 of the Hyndburn Local Plan.

5. Prior to the commencement of development a photographic record of the buildings on site shall be undertaken and submitted to Hyndburn Borough Council.

Reason: To ensure the heritage of the site is recorded and in accordance with the National Planning Policy Framework and Policy Env6 of the Hyndburn Core Strategy.

6. Prior to the commencement of demolition works a construction management plan shall be submitted to the Local Planning Authority and Approved in writing. It shall provide for:

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials used in the construction of the development;
- d) The location and maintenance of security hoarding that is required;
- e) The measures to be taken to prevent mud and debris being carried onto the highway;
- f) The measures to be taken to prevent nuisance to local residents / occupiers from noise, dust, vibration and fumes arising from the development;
- g) The measures to be taken to dispose of wastes arising from the development;
- h) Details of the condition of the site following completion of development;
- i) The means by which personnel working on the site will be advised about bats so that all works are undertaken with a clear understanding about the legal aspects of bats and the precautions to be adopted and measures to be taken if a bat(s) is found;
- j) The measures to be taken to protect the public highway and pedestrian routes during the works;
- k) The storage of any stone and architectural features that should remain on site, and;

- l) The measures to be taken to consult local residents and inform them of the works being undertaken.

There must be no machinery operated from or over the highway at any time. This includes all loading and unloading operations that shall take place within the confines of the site. All vehicles shall enter and leave the site in forward gear.

The approved details shall be complied with throughout the period of development.

Reason: To protect local amenity in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy E10 of the Hyndburn Local Plan.

7. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the finished levels and any retaining structures to remain on the site and the means by which they shall be made safe. The development shall be undertaken in accordance with the submitted details.

Reason: To determine the extent of development and the means by which all retaining structures shall be safely managed after demolition in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy E10 of the Hyndburn Local Plan.

8. A pre-commencement and post demolition survey shall be undertaken of the footpath on Rhyddings Street along the frontage of the site. The survey shall include photographs of the highway before and after the development. A scheme and timetable to reinstate any damage arising during the development should be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the public highway arising during the development is repaired in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy E10 of the Hyndburn Local Plan.

9. Within 6 months of the commencement of development all Japanese Knotweed within the site shall be treated and removed in accordance with the submitted details.

Reason: To control invasive species and in accordance with Policy Env7 of the Hyndburn Core Strategy.

10. No works of demolition shall take place between 1st March and 31st August unless the following surveys have been undertaken and submitted for approval in writing by the Local Planning Authority:
- i. A Survey of nesting birds, and;
 - ii. A Bat Survey
- Demolition works shall only take place within this period with the approval of the Local Planning Authority and any mitigation measures identified by the surveys shall be implemented in full.

Reason: In the interests of protected species and in accordance with the National Planning Policy Framework and Policy Env2 of the Hyndburn Core Strategy.

Informatives

Standard informatives, and a licence may be required to erect hoarding on or adjacent to the highway. This can be obtained from Lancashire County Council by telephoning 0300 123 6701 or by e-mailing highways@lancashire.gov.uk.

This page is intentionally left blank