

Application Number:	2021/0308	Application Type:	Full Application
Proposal:	Full: Alteration of building comprising the partial demolition of existing chimney	Location:	Whitworth Heritage Museum North Street Whitworth Rochdale Lancashire OL12 8RE
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	07/09/2021
Applicant:	Mr Lee Childs (RBC)	Determination Expiry Date:	10/09/2021
Agent:	Keith Dutton		

Contact Officer:	Storm Grimshaw	Telephone:	01706 252411
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Council-owned land

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

Approval subject to the conditions set out in this report.

2. SITE

Whitworth Heritage Museum is located on North Street, Whitworth, approximately 70m to the west of Market Street (A671) – the main thoroughfare running through the town.

The building is attached to a single storey stone built industrial building and to the south is a large employment complex known as Bridge Mills. Residential properties are also present in the surrounding area with modern residential dwellings to the north and east of the application site, with those on North Street to the east 12m away from the site.

The Museum is a brick and slate building with some section of render to the external elevations. The rear of the building is irregular in that the eaves to the rear of the property are sloped. Attached to the museum is a stone chimney which LCC Archaeology note may be a surviving part of Studdart's Mill.

The building and chimney subject to this application are not a Listed Building and are not located within a Conservation Area. The building is owned by Rossendale Borough Council and is located within the defined urban boundary.

3. PLANNING HISTORY

2012/0371 – Approved subject to conditions

Formation of ramped access to rear of building

4. PROPOSAL

The applicant seeks planning permission to reduce the height of the existing chimney attached to Whitworth Heritage Museum. The submitted Design & Access Statement indicates that the condition of the existing chimney stack has deteriorated and an Engineering Report has been submitted in support of this statement.

The chimney stack would be reduced to a height of 1m above the current ridge height of the main part of the building. The altered chimney would be topped with a stone coping and would include a new flat roof set 150mm below the coping.

The proposed scheme has been amended following discussions between the Case Officer and Planning Agent / Applicant.

Members will recall that this application was deferred at the last planning committee on the basis that committee was not prepared to make a decision on the application until they knew whether any attempts had been made to secure funding to repair the chimney rather than proceed with works to partially demolish the structure.

The Case Officer has since discussed this issue with the Planning Agent who subsequently liaised with Lancashire County Council Archaeology. The Planning Agent advised the following on 13th August 2021:

“I have spoken to Peter McCrone at LCC who has confirmed they have no additional funding available to support repairing the chimney. I did explain that the intention was to reduce the Chimney height and not completely remove it, as his earlier understanding was that it was to be removed completely. He welcomed that and understood such works will render the structure as more safe and stable, and still retain a significant presence attached to the museum building in its reduced format as proposed.”

Peter then directed me to a number of web sites for potential help, National Lottery Heritage and the Architectural Heritage Fund , among several others. These are primarily targeted at operational Museums and Museum businesses which the chimney is not part of, and to structures that are listed, in conservation areas or of great architectural importance. None of these offer any realistic hope of financial support.

With these major Funds not being accessible I believe it very unlikely that any financial support could be forthcoming.”

The Planning Agent has also provided documentation confirming the cost of the tender to reduce the height of the chimney as proposed is £23,135, while the additional cost to repair, repoint and rebed the upper courses of stonework was £18,000. The repair therefore costing a total of £41,135 (subject to VAT).

In light of the above, the Case Officer is satisfied that the Planning Agent has attempted to secure funding to retain and repair the chimney, however such attempts have not proven to be successful.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 4 Decision Making

Section 12 Achieving Well Designed Places

Section 16 Conserving and enhancing the historic environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 1 Whitworth, Facit and Shawforth

Policy 1 General Development Locations and Principles

Policy 16 Preserving and Enhancing Rossendale's Built Environment

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
Lancashire Archaeology	Comments received
Whitworth Town Council	Support proposal

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 10/06/2021 and neighbours were notified by letter on 28/05/2021.

Two objections have been received in response, raising the following issues:

- General dislike of the proposal;
- Information missing from plans;
- Out of keeping with the area;

- Chimney is part of the history of Whitworth and should be retained as a historic feature and grants applied for its full repair;
- No record of public consultation;
- No supporting structural and conditions report to support the reasons for its removal.

8. ASSESSMENT

The main considerations of the application are:

- 1) Procedure
- 2) Visual Amenity

Procedure

The proposed development as described in the submitted application form is for the partial demolition of the existing chimney adjoining Whitworth Heritage Museum.

Section 55 (2) (g) of the Town and Country Planning Act 1990 exempts from the definition of development:

“The demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.”

However, the Town and Country Planning (Demolition – Description of Buildings) Direction 2021 states that the definition of “building” does not include part of a building except in the case of demolishing “the whole or part of any gate, fence or wall or other means of enclosure.”

In this case, the proposed development does not consist of demolishing any whole or part of any gate, fence or wall or other means of enclosure, and therefore the works constitute development.

Class B (demolition of buildings) in Part 11 of the Second Schedule to the General Permitted Development Order 2015 permits “any building operation consisting of the demolition of a building” subject to certain restrictions and conditions, including the requirement for a prior approval application to ascertain whether the approval of the Local Planning Authority is required as to the method of demolition and any proposed restoration of the site.

Article 2 of the above Order, defines “building” as follows:

- (a) *includes any structure or erection and, except in Class F of Part 2, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 and Class T of Part 19, of Schedule 2, includes any part of a building.*

Having regard to the above definition, the permitted development right in Class B (demolition of buildings) of the 2015 Order does not extend to the partial demolition of a building.

In the case of *Shimizu (UK) Ltd v Westminster City Council [1997]* the judgement concluded that the partial demolition of a building amounts to an alteration, rather than ‘demolition’.

Therefore, the proposed alteration to reduce the height of the chimney in any case would not constitute demolition and it is considered that the development would materially affect the external appearance of the building.

As such, the development is in fact the alteration of a building, comprising the partial demolition of the existing chimney, and on this basis, planning permission is required.

Visual Amenity

Comments have been received from members of the public raising concerns over the visual harm the development would have on Whitworth Heritage Museum and the surrounding area.

LCC Archaeology have also provided the following comments on the proposal:

“The chimney attached to the museum building may be a surviving part of Studdart's Mill which was a “size house” for the preparation of size, a starch emulsion which was applied to cotton threads to improve their handling and reduce fraying during weaving.

As it appears to be part of the museum it is most unfortunate that there is a proposal for its reduction to a stump. Mill chimneys were, in the 19th and early 20th centuries, one of the most significant features of the skyline of the textile producing areas of Lancashire and this is one of the few survivors.

We would advise therefore that, if at all possible, the chimney should be retained and repaired. Should this prove absolutely impossible to achieve then the chimney in its setting should be photographed prior to its demolition with an archive of the photographs deposited both in the heritage museum and in the Lancashire Archives.”

It is considered that the reduction in height of the chimney stack would have a detrimental impact on the character of the Heritage Museum, however, in reference to the submitted Engineering Report, there is evidence to support the claim that the condition of the chimney has significantly deteriorated. The Report concludes:

“7.7 Our inspection of the external aspects of the chimney confirms significant deterioration has and is continuing to occur, and the main concern relates to the unknown condition of the internal aspects of the chimney.

7.8 Given the poor state externally of the stonework and lack of pointing, historic cracking and the lack of maintenance, no assurances can be given regarding the long term structural integrity of the chimney without extensive maintenance works and height reduction. Any height reduction works may uncover further structural concerns on the exposed section.”

In light of the evidence highlighting the poor condition of the structure, it is considered that the proposed development to reduce the height of the chimney is justified. The scheme would result in the chimney standing 1m above the current ridge of the main roof of the Museum and would be maintained as a flat chimney with a stone coping to the top. Whilst the addition of rubber based flat roof would be incompatible in terms of materials, the flat roof would be set below the stone coping and would not therefore be noticeable when viewed from any public viewpoints.

It should be noted that the building (including the chimney) is not a Listed Building and is not located within a Conservation Area.

Overall, and taking a balanced approach, the proposed development is considered to be acceptable in terms of visual amenity.

9. **SUMMARY REASON FOR APPROVAL**

The proposed development is acceptable in principle and will not unduly affect visual amenity, neighbour amenity or highway safety. The development accords with the National Planning Policy Framework and Policies AVP1, 1, 16, 23 and 24 of the Council's Core Strategy Development Plan Document.

10. **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application Form
- Location Plan drawing no. 1221. 1
- Plan & Elevations as Proposed drawing no. 1221.3 B

Reason: To define the permission and in the interests of the proper development of the site.

2. No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. Prior to commencement of the development the chimney shall be photographed in its setting with an archive of the photographs deposited both in the Whitworth Heritage Museum and in the Lancashire Archives. A copy of the photographs shall be provided to the Local Planning Authority for their approval in writing prior to any of the approved works taking place.

Reason: In the interests of recording Rossendale's historic built environment.

11. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.