

APPLICATION REPORT - LB/342254/18

Planning Committee, 16 January, 2019

Registration Date: 01/10/2018
Ward: Werneth

Application Reference: LB/342254/18
Type of Application: Listed Building Consent

Proposal: Complete demolition of listed building at Hartford Mill in association with proposed outline application for residential development (PA/342255/18)

Location: HARTFORD MILL, Block Lane, Oldham, OL9 7SX

Case Officer: Graham Dickman

Applicant Oldham Council
Agent :

THE SITE

Hartford Mill is a large former mill building originally built as a cotton spinning mill in 1907, to which additions were incorporated in the 1920s. It was listed Grade II in 1983 by virtue of its special architectural or historic interest.

The mill has been vacant since 1991 when the previous owner Littlewoods, which used the building as a mail order depot, departed. It is in an increasingly dilapidated condition and has been subject to trespass, vandalism and vegetation growth.

The building occupies a sloping site and comprises between 4 and 5 storeys of above ground accommodation and an associated basement. The main structure is faced in red brick and is 25 bays (100 metres) long and 12 bays (45 metres) wide. Regular window openings feature across the main elevations.

A staircase tower dominates the north-west corner of the mill containing the main staircase, with the name of the mill written in glazed brick towards the top. A smaller central tower breaks up the main north-east facing elevation, along with loading bays which have been added at ground floor level.

A three storey engine house, again constructed with red facing brick, dominates the south-west corner of the mill along with the mill chimney.

A detailed description of the decoration to the construction, exterior of the mill and of the interior features of the building is set out in the Heritage Statement which accompanies the application, and is described in the context of the assessment later in this report.

The scale of the building ensures that it dominates the surrounding townscape; its presence increased by the undeveloped land to the north and east/ south-east. In particular, the building is highly visible from the Metrolink tram line, and Freehold tram stop, which occupies an elevated position immediately to the north-west of the site.

A small housing estate of two-storey dwellings, Ridings Way, adjoins the site immediately to the west, with the modern, single storey buildings of Freehold Community Academy located to the south-west. Across the presently open land to the east are residential properties on Milne Street, Tamworth Street, and Edward Street. A more modern housing estate lies across Edward Street to the north-east.

THE PROPOSAL

This application proposes the complete demolition of the listed building at Hartford Mill in order to facilitate a comprehensive residential redevelopment of the mill site and adjoining presently vacant parcels of land as set out in the concurrent application (PA/342255/18).

The application is accompanied by the following documents:

- Hartford Mill Development Framework
- Heritage Statement
- Structural Report
- Building Appraisal
- Ecology Report
- Letters from Homes England, Department of International Trade, Keepmoat Homes, Greater Manchester Police, and Greater Manchester Fire & Rescue Service.

RELEVANT PLANNING HISTORY OF THE SITE:

PA/342255/18 – Outline planning application for residential use at Hartford Mill and surrounding land at Block Lane and Edward Street. All matters reserved. Submitted in conjunction with LB/342254/18 seeking consent to demolish a listed building at Hartford Mill. Pending determination.

PA/333994/13 and LB/333995/13 - Installation of 6 antennas, 2 equipment cabins, and ancillary development. Planning permission and Listed Building Consent granted 23 July 2013.

PA/051333/06 - Outline application for residential development and associated works. All matters reserved. Approved 30 June 2006.

PA/051332/06 - Change of use from industry to residential accommodation and associated works. Approved 30 June 2006.

CONSULTATIONS

Historic England	Whilst the loss of this landmark structure is highly regrettable, it is recognised that there are a number of issues relating to the retention and reuse of the building which create a huge conservation deficit. Should permission be granted, this should be subject to achievement of the public benefit associated with redevelopment of the site and therefore no demolition should be permitted until a reserved matters application has been approved, and a contract for the construction of the dwellings entered into.
Environmental Health	Conditions will be required to ensure nearby properties are protected from noise and vibration during demolition.
Highway Engineer Transport for Greater Manchester	No objection. No objection as the demolition and redevelopment would improve passive surveillance of the tram line.
Greater Manchester Ecology Unit	The ecology survey and assessment report has recorded minor bat use of the Mill building by a relatively common species of bat (<i>Pipistrelle</i>). Therefore, subject to simple mitigation measures being conditioned for implementation (as described in the Ecology survey report) which would avoid any possible harm to bats, the conservation status of bats is capable of being maintained.

<p>Greater Manchester Police Architectural Liaison Unit Coal Authority United Utilities</p>	<p>The applicant should be advised that a protected species licence may need to be obtained from Natural England before undertaking any works that could cause harm to bats.</p> <p>Support the application since the building has become an attraction for anti-social behaviour.</p> <p>No objection.</p> <p>No objection subject to a requirement for a sustainable drainage scheme, including arrangements for the future management of the system.</p>
<p>LLFA and Drainage Ancient Monuments Society, Council for British Archaeology, Society for the Protection of Ancient Buildings (SPAB), Georgian Group, Victorian Society Association for Industrial Archaeology</p>	<p>No comments received.</p> <p>No comments received.</p> <p>It has to be regretted that this mill is now in such a condition that the only option available is its complete demolition. However, it should be a condition of any approval to demolish that there is an archaeological recording/historic building survey. It is noted that this may only be possible in respect of the exterior, given the unsafe nature of the interior. However it would be possible to use laser scanning for the interior.</p>

REPRESENTATIONS

The application has been advertised by press and site notice and the occupiers of 85 properties in the vicinity of the site have been notified.

3 letters have been received from local residents expressing support for the application.

PLANNING POLICY SETTING

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF 2018).

In this case the 'development plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The site is designated as a Housing Allocation Phase 1 by the Proposals Map associated with the Joint Development Plan Document.

In respect of this specific application, DPD Policy 24 (Historic Environment) is of particular relevance.

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest.

Section 66(1) of the Act states that in considering whether to grant planning permission for development that 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.

In addition, Part 16 of the revised 2018 National Planning Policy Framework (NPPF) sets out guidance on the approach to be taken in considering proposals which would affect heritage assets.

Paragraph 189 states that *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.

It goes on to state at paragraph 190 that *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

At paragraph 191 it cautions that *"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision"*.

Paragraph 192 requires local planning authorities to take account of:

"a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness"

It continues at paragraph 193, stating that *"When considering the impact of a proposed development on the significance of a designated heritage asset, 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"*. At 194 it states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of...grade II listed buildings...should be exceptional"*

Paragraph 195 states that *"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Finally at Paragraph 198, it concludes that *"Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred"*.

The NPPF is supported by Planning Practice Guidance. This includes guidance on 'Conserving and enhancing the historic environment'.

The guidance explains that 'significance' is important in decision-taking as heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The guidance explains that *"the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places."*

Disrepair and damage and their impact on viability can be a material consideration in deciding an application. Any deliberate damage is not a material consideration.

In terms of considering future viable uses the planning guidance recognises that *"By their nature, some heritage assets have limited or even no economic end use... It is important that any use is viable, not just for the owner, but also the future conservation of the asset"*.

The guidance states that the evidence needed to demonstrate there is no viable use includes appropriate marketing to demonstrate the redundancy of a heritage asset. The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated.

In terms of demonstrating public benefits the guidance states *"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits"*.

DPD Policy 24 states that the Council will conserve and enhance its heritage assets, including listed buildings, and will *"support heritage-led regeneration, including the reuse of historic buildings such as mills, to achieve economic, community and regeneration objectives where appropriate"*. It also states that *"There will be a strong presumption against proposals involving the demolition of listed buildings or structures"*

PLANNING CONSIDERATIONS

Introduction

The above policy considerations define clearly the context in which the application must be assessed. The conservation of buildings which are listed for their architectural or historic importance is of special significance, and where such loss is to be sanctioned, very strong justification will be necessary. In particular, circumstances will need to be

specific to the context of the building, its history, and the reality of its future prospects, if the underlying presumptions related to the significance and protection of listed buildings are not to be de-valued.

Firstly, the significance of the heritage asset must be identified, including its contribution to local character.

Secondly, the viability of alternative proposals or uses to sustain the heritage asset must be fully addressed, including the contribution it makes, and could continue to make, to support sustainable communities. This includes financial viability, assessment of alternative funding sources, and other benefits of bringing the site back into productive use.

Assessment of the value of the heritage asset

The application is supported by a Building Appraisal prepared by Stephen Levrant Heritage Architecture in February 2014 and Heritage Statement, prepared by Archaeological Research Services (ARS) Ltd in November 2016.

The heritage statement assesses the significance of the assets as defined by Historic England's 2008 guidance document, "Conservation principles, policies and guidance for the sustainable management of the historic environment". The guidance identifies four values (evidential, historical, aesthetical and communal) that together amount to the significance of a place, and are addressed in the Heritage Statement:

Evidential Value

This relates to the potential of the asset to yield primary evidence about past activity.

A degree of evidential value rests on the nature of construction and style of the structure. In terms of the interior, the open space on each floor, the outline of where machinery would have been situated, and a small number of remaining fixtures give some evidential value.

However, this has been diminished due to the condition of the building and the removal of features and fixtures, the roof and floors are beginning to fail and the evidential value it possesses is gradually deteriorating. In addition, mill related features, such as reservoirs and workers' housing have been lost over time, further diminishing the evidential value of the building.

Historical Value

This relates to the ways in which the present can be connected through a place to past people, events and aspects of life.

The building is of some historical value; although it now stands in isolation from the industrial landscape of which it originally formed part.

Hartford Mill can be appreciated and understood as a cotton spinning mill from the early 20th century. However, due to the standardised plan, form and appearance, the survival of similar buildings in the area, and the aforementioned erosion of its setting; the mill is considered to be of local interest only.

The building does not demonstrate innovation in terms of construction or plan form, for instance in the use of concrete floor construction.

The building is of some historical value. Its second to fifth floors were probably used for cotton spinning, with the basement used for yarn storage and the final floor a card room. The engine house to the south of the site is recognisable through the decorative tiles that remain. To the east is the boiler room which has in situ Lancashire boilers. These reflect an early 20th century large-scale cotton mill.

However, the removal of original fixtures and features and the building's deterioration has harmed the historical value of the building. It is unsafe to enter and thus the internal layout will no longer be seen and the engine room, in addition to the boiler room, are not accessible. The understanding of the building is largely limited to the exterior which is in a state of disrepair. Similarly, the historical context of the Mill has been reduced within the surrounding, now cleared area.

Aesthetical Value

This relates to the ways in which people draw sensory and intellectual stimulation from a place.

The mill has aesthetic value through its composition, massing, and views. However, its condition is notably poor as there are smashed windows, burnt/fractured staircases, leaking water resulting in shrubbery growth and fly tipping in the vicinity. The current poor condition of the building makes a prominent, but unsightly contribution. Therefore, it is likely that people derive negative sensory stimulation from the complex.

Communal Value

This relates to the meanings of a place for the people who relate to it, or for whom it figures in their collective experience of memory.

The building is currently derelict, the surrounding site is vacant, and attracts anti-social behaviour in the form of fly tipping, trespass and vandalism. The mill continues to reflect an important element of the town's past; however, the decay and current state of the building have a negative impact on the portrayal of the site, and is adversely affecting the potential regeneration of the area.

In this regard, its communal value is greatly diminished.

In conclusion, overall the assessment has demonstrated that the site is of minimal evidential value; some historical value; and no likely aesthetical or communal value.

Condition of the building

A Structural Assessment of the mill was undertaken in June 2017 and accompanies the application. Due to vandalism, degradation of the floors of the mill, and the confirmed presence of broken and loose asbestos, the inspection process and the extent of intrusive works has been severely restricted and was undertaken under strict control using full protective clothing, respiratory equipment, and subsequent recontamination.

The report concludes that due to its historic use as a mill, it could support the conversion to new commercial or residential uses. However, this is "***provided the structure were in good condition***". In fact, the degradation due to water ingress and vandalism would necessitate major remedial works. This includes the removal of asbestos-containing debris (alone estimated to cost in excess of £1M), repair of corroded brickwork and lintels, and significantly, an inspection of a proportion of filler joists close to the facade walls indicates that they have perished to a degree which leaves the affected area of floor at risk of collapse. This would require further intrusive works.

The Assessment concludes, that "***the building is unsafe and should not be accessed by any unauthorised person***".

This is due to:

- wide spread asbestos contamination;
- large, unprotected holes in the floors;
- collapse state of the roof and the potential for future failure;
- unsafe panels of floor slabs due to disintegration of the filler joists; and,

- the complete absence of window glazing.

Furthermore, it states that *“Due to widespread issue with the filter joists we suggest that the building is now beyond reasonable and economic repair. The potentially unsafe and extensive nature of the floor slabs provides a strong case for immediate propping throughout or urgent demolition”*.

THE CASE FOR DEMOLITION

Regeneration options

Hartford Mill is located within the North Werneth area which formed one of the former Housing Renewal Areas (HRA) for Oldham. However, its redevelopment was stalled following the demise of the HRA programme in 2011, along with the wider financial crisis.

The HRA Masterplan has been delivered in part with areas of clearance and some phases of the new development have been delivered by Keepmoat Homes on land to the east. However, this has been at the margins of viability.

A Development Framework Review (DFR) has subsequently been undertaken by Halliday Meecham Architects. This includes a review of the previous Housing Market Renewal Masterplan to assess its ongoing relevance in the post financial collapse climate; to re-visit the cost of repairs; review alternative uses and associated costs and consider the viability of alternative uses.

The report concluded that the overall objectives and conclusions of the previous Masterplan were still valid, in particular there should be ongoing promotion of the delivery of new homes and related amenities, alongside improvements to the retained housing stock.

It further concluded that the presence of Hartford Mill in its derelict state represents an adverse blight, not only to the immediate neighbourhood, but to Oldham more generally. This is particularly due to its prominent position adjacent to the Manchester to Oldham Metrolink line and Freehold tram stop.

An analysis of the prevailing property market was also undertaken to inform potential development options. Whilst the residential sector in Oldham is benefiting from year on year improvements in value, it is to a lesser extent than other parts of the Manchester conurbation. Affordability is the single most positive feature of the local market. Within Oldham there is also disparity with some areas outperforming others. Whilst the area around Hartford Mill has improved in recent years, it is still one of the cheapest areas within the borough and development viability in the post Housing Market Renewal climate has been challenging.

Keepmoat Homes has submitted a representation in relation to this application which concludes that further development of cleared sites within the area cannot go ahead whilst the future of Hartford Mill remains uncertain. This covers both adjacent sites with existing planning permission, and potential re-development of the site around Hartford Mill itself.

Demand for residential accommodation in this area is dominated by family housing, in particular houses with 3 bedrooms and above. However, such a profile does not sit comfortably with a mill conversion that would be more likely to offer apartment accommodation.

The potential for commercial development of any substantial scale at this location is severely limited and would be against general trends. There is a good supply of ready to occupy commercial premises in and around this neighbourhood, including other nearby mills. The last 25 years plus of marketing have not produced any interest for commercial or industrial use.

The site's distance from major arterial routes does not make it attractive for modern industrial or major office use on the scale that would be offered within Hartford Mill. Despite

its former industrial use, the site suffers from poor access via Block Lane. Consequently, without identifying alternative access via third party (council owned) land, it is unlikely that any new use would obtain planning approval on highways grounds alone.

Alternative funding

Housing Market Renewal funding was prematurely withdrawn for this area, but even before then despite a successful CPO across the area, the Council had decided not to vest Hartford Mill because it could not identify a viable use for the site. Subsequent discussions with the Homes and Communities Agency (The government agency tasked with promoting housing development throughout England, now rebranded as Homes England) were also unable to identify funds to bridge the large funding gap that would enable development to go forward. There was also the issue of a lack of demand for either the quantum of commercial space that would be brought to the market or the number of apartments the building would yield.

Likewise, Historic England (HE) has seen a reduction in resources and in consequence directs any available funding to buildings of grade 2* and above. Hartford Mill is therefore not eligible for HE assistance.

There has been no interest from charities, not least due to the scale of the project, both in terms of the funds required and the space it would deliver for which there is no identified demand.

Historic England, in its consultation response, recognises that conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible due to the scale of the conservation deficit.

Potential alternative use of the building

Since the mill's last use in the early 1990s, the site has been marketed for use in its current form and for redevelopment. There has been no deliverable interest in taking the site for industrial or commercial use, no scheme for its redevelopment for other uses has proven viable. Costs have risen faster than values, rendering viability ever more difficult.

As part of the Development Framework Review (DFR), a series of redevelopment scenarios have been tested, including retaining the mill for a range of uses. This assessment covered industrial, residential, office, residential with offices, managed workspace and residential led mixed use.

All the options included using the Council-owned land running between the mill and Edward Street as this land is essential to achieve suitable access to the mill site.

In each scenario, the cost of repair of the Mill has been factored in, with a range of costs between £15.3 million and £16.9 million being identified.

The residual development appraisals show negative values ranging from £14.15 million for a mix of residential and office uses, to £24.87 million for a managed workshop scheme. As a consequence, it is concluded that it is inconceivable that a re-use of the building is possible on a commercial basis.

The Mill has a very deep floor plan making it difficult to sub-divide for use as smaller units or residential use without a substantial atrium being constructed through its core; a costly intervention made more problematic by the state of the concrete floor. Any scheme for retention of the mill faces costs in the region of £6 to 7 million simply to achieve a wind and watertight shell.

The DFR concludes that there is no immediate or long term prospect of values increasing to an extent that redevelopment of the mill would become viable. Commercial or residential values would need to exceed those currently being achieved in the centre of Manchester.

At present, the gap between cost and value is widening; nationwide build costs are rising fast but locally values are moving slowly. The appraisal analysis contained in the DFR sets out the costs and values associated with several potential development scenarios, none of which come close to viability.

Setting aside the high costs of conversion, in terms of the supply of office/commercial accommodation in the area, both the immediate area and wider Oldham area can demonstrate a supply of existing ready to occupy unlet space and new build sites, without the need to convert Hartford Mill.

For a residential conversion, there is no evidence of demand for apartments on the scale necessary to persuade a developer that such a scheme would be successful given the demand in this locality is predominantly for family homes with gardens.

The scale of the mill (circa 50,000 sq ft per floor) has been a significant barrier to finding alternative uses. The deep plan nature of the floors restricts cellular conversions for either office or residential use. There are nevertheless examples of mills in Oldham and beyond whose longevity has been expanded by the introduction of alternative uses.

However, any such alternatives must be considered in the context of the present condition of the mill, and the assessment of whether viable interventions could be introduced to overcome those deficiencies.

Development options following demolition

Taking into consideration the previously identified restrictions and likelihood of potential demand for commercial re-development of the site, the Development Framework Review (DFR) assessment concentrated on possible returns from a residential scheme following the demolition of the Mill.

This option considered a development of 65 houses (at a density of 40 per developable hectare), along with a linear public park improving access to the Freehold tram stop, and concluded, as a high level appraisal, that such a scheme would generate a Gross Site Value of £500K, from which there is a need to deduct certain abnormal costs to include demolition, cut and infill, an allowance for site remediation and service diversions. Such costs will substantially exceed the gross land value.

Since the DFR was commissioned, the owner has obtained further quotes for asbestos removal to be completed at the same time as the demolition and this brings the costs down significantly from the £1.1 Million originally quote.

To offset the financial costs, options for supportive grant funding would be considered.

Homes England have a number of grant funding opportunities to further improve viability and North Werneth, with its historical investment, close proximity to a sustainable transport system and on brownfield land is a strategic location that they would be willing to support. Further opportunities for funding are likely to become available as the government push towards their target of delivering 300,000 new homes per year. Specific opportunities currently on the table include:

Housing Infrastructure Fund - This is a fund for Local Authorities for sites which require enabling, remediation and infrastructure investment. HIF grant funding provides the final, or missing, piece of infrastructure funding to get additional sites allocated or existing sites unblocked quickly. Funding is available in two pots – Marginal Viability Fund (up to £10 M) and Forward Fund (up to £250 M). A bid was made in late 2017 to the Marginal Viability Fund, but until permission is obtained to demolish, it's unlikely that the council would be able to meet the grant funding criteria.

Shared Ownership and Affordable Homes Programme – This provides funding for the delivery of new affordable homes and can provide around £40,000 (or higher in certain circumstances) of grant per property. Decisions on funding can be obtained quickly through

Continuous Market Engagement once schemes are ready to be delivered and Homes England have already provided grant support in North Werneth.

Housing delivery

The site is allocated within the Joint DPD for housing under Saved UDP Policy H1.1.27 as a phase 1 housing development. The site is also within the Oldham Strategic Housing Land Availability Assessment (SHLAA) and was moved from the five year supply to the post five year supply because of the current constraints to delivery. Demolishing the mill would bring the site forward.

North Werneth is a former Housing Market Renewal Intervention Area. To date, two phases of development have been delivered by Keepmoat Homes at North Werneth, comprising some 109 homes. Of these, 57 were sold on the open market, with the remainder sold for affordable housing.

This has left some 3 hectares of cleared sites in Council ownership ready to be developed. However the land for these final phases are blighted by the presence of the derelict Hartford Mill that dominates this part of the site, and affects its viability. The mill covers a further 1.8 hectares which will also be developed for new homes should permission be secured to demolish. Whilst development in North Werneth is marginal, viability wise Keepmoat Homes has proved that there is a market for new homes in the area, and this will only improve should permission be obtained to demolish.

The stalled, already cleared sites in the immediate vicinity have a capacity to deliver circa 122 new homes, and the mill site itself a further 65 along with new open space, and improved access and visibility to the Metrolink station.

The Council's development partner for the stalled sites has indicated that they would be able to bring forward their sites if the mill were demolished and the site cleared. The company has also indicated interest in acquiring the resultant cleared site. The fact that this site is preventing other sites coming forward to meet the Council's housing land requirements and regenerate the area, makes this a unique case.

The Council is therefore confident that once the mill is demolished and the site cleared, there would be sufficient interest to ensure that beneficial development would follow. However, due to the cost involved in bringing forward a detailed planning application (in excess of £250,000), developers have been unwilling to commit to this exercise without the certainty that the mill will be demolished.

In light of the above, the site if demolished would meet the 'Deliverability' test of NPPF:

- The site once demolished would be available for development.
- The site is a previously developed site and is located in a sustainable location, adjacent to a tram stop and bus routes with good access to key services.

Approval of outline planning application PA/342255/18 is also recommended in association with this proposal.

Adverse impact on the local area and socio-economic well-being

Werneth is amongst the most deprived neighbourhoods within the borough and has been prioritised by the council for regeneration since the late 1990s. Some improvements were carried out under the Housing Market Renewal initiative but, after its demise, the much needed regeneration of the area in the immediate vicinity of the mill stalled for several years leaving cleared sites undeveloped, creating a general air of neglect. Whilst sites further away from the mill have been developed, those in its shadow remain vacant, deprivation still exists and needs to be addressed. The loss of the mill can be justified to deliver real and tangible benefit to the people who live in its shadow.

The negative impact on the social and economic wellbeing of the people and businesses

within the local and wider area is the key driver for seeking demolition. The condition of the mill deters investment and presents a negative image of the local neighbourhood and given that it is a 'gateway' to Oldham, it impacts the borough as a whole.

A public consultation event was held in December 2016, it was attended by 53 local residents. Respondents stated that the mill had a negative impact on the area, is an eyesore, a magnet for anti-social behaviour, attracts vandalism and fly tipping and is a dangerous structure. In effect it highlighted the concern regarding the mill and the increasing blight it cast over the wider area.

There has been a death on the site as well as a range of anti-social behaviour from drug use to fire setting as well as the disturbing habit of 'selfie' taking on its roof.

Despite the approved change of use in 2013 and subsequent confirmation of the CPO, the hoped for catalyst for Hartford Mill being brought back into use was not forthcoming.

Extent of anti-social behaviour

The mill has suffered the deterioration that occurs when there is no natural surveillance through ongoing occupation. The Mill, and the land which surrounds it, covers 1.72 hectares and whilst it is fenced and patrolled by a security company, it is impossible to deter determined intruders.

The ground floor windows have been boarded frequently, but determined intruders still get into the building; vandalism, damage and anti-social behaviour continue within the site; and inside the building, including organised fly tipping by a criminal gang who removed the gate lock and replaced it with their own to facilitate easy access.

The owner has investigated boarding up all window openings, but is not in a position to afford a compliant scheme for boarding a listed building.

Fly-tipping in the mill yard presents an ongoing danger to trespassers and legitimate visitors to the site (including security staff and emergency services). There is evidence of drug taking (discarded sharps) and rough sleeping.

The mill is immediately adjacent to both family homes on Ridings Way and the Freehold Community Academy (primary school). Both the residents and the School Head have expressed concern on several occasions regarding the unauthorised activities that take place on the site.

In 2015, there was a death as a result of a person falling from the roof of the building. There is also evidence that as a result of its new prominence and accessibility via Metrolink, a craze for taking selfies on the roof and posting them on social media has led to a number of youths travelling to the site from across Greater Manchester.

The police consider the danger to be so high that they have deployed officers at the Freehold stop to escort youths back onto the trams after warning them of the dangers of entering the site.

The District Superintendent for Greater Manchester Police has written specifically in support of the application noting the need for the Police to respond to numerous reports of anti-social behaviour, including the aforementioned death. The on-going situation represents a danger to Police Officers and other emergency services that may need to enter the building to deal with incidents.

These views are reflected by the area Borough Commander for Greater Manchester Fire & Rescue Service who similarly notes that need to attend numerous incidents, including 58 in the last 3 years, and the danger this places on his officers.

Local residents are concerned for their children who play nearby (there is a designated play area in the vicinity) and by the attraction the building has for more serious anti-social

behaviour. These many concerns have also been highlighted by the local MP, Jim McMahon.

Ecology

The application is accompanied by an Ecological Survey and Assessment which looked at both the mill building and surrounding open land with surveys carried out between May and September 2017. The land surrounding the mill is colonised by unmanaged rank neutral grassland with some self-seeded willow and birch specimens.

The site has no statutory or non-statutory designation for nature conservation and does not contain any Priority Habitats. With the exception of the bat survey referenced below, no protected species were identified.

Hartford Mill has been assessed as having no suitability for bats which are known to roost in voids, such as brown long-eared, and to be of low suitability for use by crevice dwelling species, such as common pipistrelle. However, a survey in August 2017 identified two common pipistrelle bat day roosts on the mill.

Consequently, an appropriate Natural England Licence will be required to legally proceed with the works and destroy the roosts. However, it is considered that the three tests of the Conservation of Habitats and Species Regulations 2017 can be met, and therefore, planning permission in respect of the mill could be granted, subject to the developer satisfying other necessary legal requirements.

CONCLUSION

As stated earlier, the tests for determining whether consent should be granted for demolition of a listed building are ones which require careful consideration prior to reaching a conclusion that the legislative and policy requirements have been met.

The loss of this landmark structure would be highly regrettable. However, there are a number of factors which are of identified significance in this assessment which support the proposal.

It has been demonstrated that, whilst Hartford Mill is a building of historical significance, it is not a unique example of its kind in terms of its construction, design, or historical links. This by itself is not a justification for the loss of the building; however, the reality of the building's condition, and its likelihood of viable re-use must also be carefully considered.

The wider context of the historic development of the cotton industry at the site has long since disappeared and the building stands in isolation.

The building has been vacant for over 25 years, during which time its condition has deteriorated, and market conditions have not resulted in viable re-use opportunities coming forward. Further consideration has been given to varying options for re-use; however, it is clear that none of these would obtain a return sufficient to entice development of the site. Indeed, no viable options for re-use have been identified which would provide a positive return, nor is it likely that such a return could be achieved in the foreseeable future.

Furthermore, the continuing deterioration of the building reduces its chances of productive re-use.

The specialist assessments of the building's condition which accompany the application clearly illustrate that the conservation deficit has reached a point where the on-going damage and deterioration of the structure, including the presence of asbestos, would both add to the costs of any renovation, but may necessitate the introduction of substantial modern construction to provide support for the failing structural features inherent in the building.

In this context, it is nevertheless necessary to establish whether there are substantial public

benefits which would outweigh the intrinsic harm resulting from the building's loss.

In this regard, the continued presence of the Mill building demonstrably detracts severely from the local area and from the amenity of the wider community. For local residents, the building represents an unsightly feature which dominates the immediate area. Furthermore, the local community is faced with the consequences of the anti-social behaviour which regularly blights the area. For the emergency services, lives are potentially put at risk in continually responding to incidents at the mill.

Furthermore, as demonstrated through the conclusions of the Development Framework Appraisal, along with the views of the nearby developer which has stalled its own investment in the area, and the lack of support funding or wider investor interest, the continued presence of the building not only prevents redevelopment of the site, but undermines confidence in the wider locality.

This impact is reflected wider once it is recognised that the site occupies an importance gateway into the Borough. The introduction of the Metrolink tramline has provided easy, quick and frequent access towards the regional centre. Unfortunately, the mill building presents a vision of the Borough which inevitably would deter wider investment and business confidence. This undermines local pride, and deters people who may choose to live in the area.

Both the development of this site, and the benefits which would accrue from development of adjacent sites, would also assist in facilitating the provision of much needed family housing in a highly sustainable location.

Having taken into consideration all relevant factors, it is concluded that on balance the benefits associated with the demolition of the heritage asset would outweigh the loss, recognising that this balance is tipped by the identified limitations on the viability of the building's potential future use.

A "Buildings at Risk Assessment" completed in 2016 has stated that Hartford Mill is "At Risk" and is "facing the most serious threat as a result of vacant occupancy and very bad condition... The cost of retaining the building and/or converting it to an alternative use would be prohibitively expensive".

It is evident that the condition of the mill is unlikely to ever be restored due to the cost and lack of viability of doing so. No viable re-use for the mill can be found. The gap between the cost and value is increasing over time. Therefore the mill is likely to continue to deteriorate and continue to attract negative behaviour and a negative image of Oldham.

Historic England has similarly recognised that a strong case for demolition has been presented, and has therefore raised no objections to the application subject to ensuring, in accordance with NPPF paragraph 198, that "Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred".

For this reason, it has been recommended that the following conditions are imposed in order to comply with the policy requirement.

"No demolition shall commence until:-

- a) Reserved matters pursuant to outline planning permission PA/342255/18 have been approved by the Local planning Authority; and*
- b) A contract for the construction of the dwellings approved by planning permission PA/342255/18 has been submitted to and approved in writing by the local planning authority in consultation with Historic England and subsequently entered into and a copy of the completed contract provided to the local planning authority".*

Officers recognise the approach set out by Historic England correctly reflects an important requirement in ensuring the justification for permitting demolition, particularly where this is largely founded on the regeneration benefits of such demolition, and must engage

safeguards to ensure this is carried out. This is the approach followed in the officer's recommendation.

It is nevertheless recognised that, having regard to the evidence presented in support of the application, that this may create a 'catch 22' situation, whereby difficulties may continue to occur in attracting a developer prepared to submit the necessary application and enter into the required contract, whilst the mill building remains in situ.

Furthermore, members may consider that, having regard to all the factors presented above, the benefits of demolition of itself still outweighs the harm resultant from the loss of the heritage asset in terms of the potential amenity and environmental benefits to the area.

RECOMMENDATION

In accordance with the requirements of the 'Arrangements for Handling Heritage Applications – Notification to the Secretary of State (England) Direction 2009', since the application involves "works for the demolition of any (Grade II unstarred) principal building", no such determination can be taken without first notifying the Secretary of State.

It is therefore recommended that Committee resolves to grant listed building consent subject to the conditions below and to referral of the application to the Secretary of State for his consideration.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in accordance with the details indicated on the 1:1250 scale location plan received on 28 August 2018.

Reason – For the avoidance of doubt

3. No demolition of Hartford Mill shall commence until:-

- a) Reserved matters pursuant to outline planning permission PA/342255/18 have been approved by the Local planning Authority; and
- b) A contract for the construction of the dwellings approved by planning permission PA/342255/18 has been submitted to and approved in writing by the local planning authority in consultation with Historic England and subsequently entered into and a copy of the completed contract provided to the local planning authority.

Reason – To ensure that the public benefits associated with the demolition of the mill can be achieved to meet the requirements of the Planning (Listed Building & Conservation Areas) Act 1990 and to accord with paragraph 198 of the National Planning Policy Framework.

4. Prior to the commencement of any works of demolition, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the methods to be employed to control and monitor noise, dust and vibration impacts. The approved scheme shall be implemented to the full written satisfaction of the Local Planning Authority before the demolition works are commenced, and shall be maintained for the duration of the demolition works.

Reason – In order to protect the amenity of neighbouring residents.

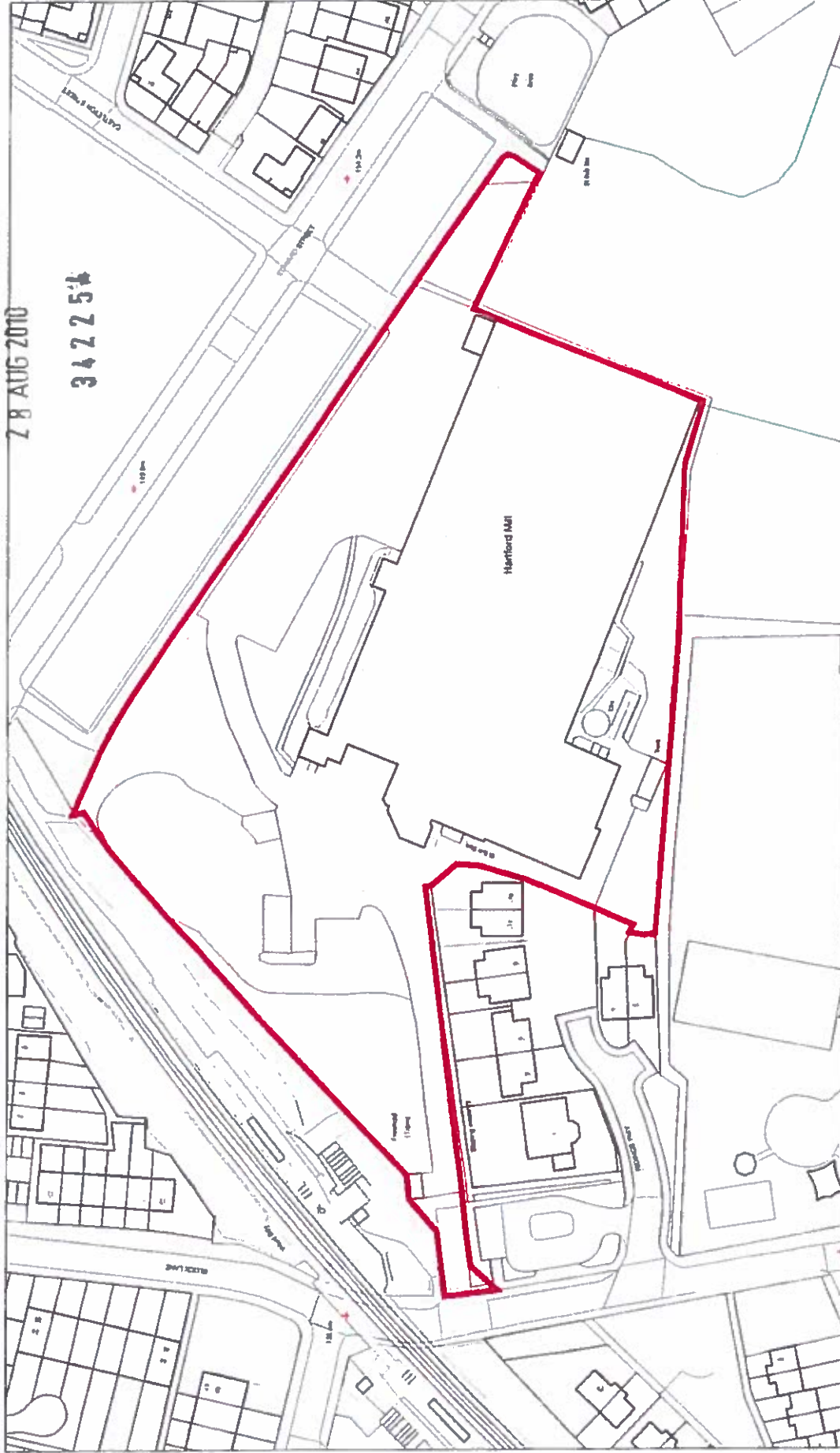
5. No works of demolition shall commence until further bat activity surveys have been undertaken by suitably qualified consultants to determine the presence or otherwise of bats utilising the building, and that all necessary legislative steps have been taken to demonstrate that no harm will be caused to the protected species.

Reason – In order to ensure no harm to bats which are a protected species under the provisions of the Wildlife & Countryside Act 1981.

6. No works of demolition shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority, and a copy of the investigation findings have been submitted to and approved in writing by the Local Planning Authority.

Reason – In order to ensure that a satisfactory historical record of the building has been obtained prior to the loss of the heritage asset.

Hartford Mill



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Hartford Mill



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Drawn by:	JW
Division:	
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