

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

9 JUNE 2022

Planning Application 2021/92003

Item 11 – Page 23

Erection of 61 age-restricted apartments, ancillary accommodation and associated external works (within a Conservation Area)

Prickleden Mills, Woodhead Road, Holmfirth, HD9 2JU

Corrections

The fourth, fifth and sixth sentences of paragraph 10.50 of the committee report should read:

“The nearest part of the 5-storey block D would be built within 5m of the curtilage of this neighbouring property. Although the oblique angle and level differences are noted, the resultant elevation-to-elevation distances would be shorter than those set out in the council’s Housebuilders Design Guide SPD, which raises concerns regarding loss of outlook and natural light. Additionally, as the northwest elevation of block D would include habitable room windows, overlooking of the existing neighbouring garden of 27 Woodhead Road would occur”.

Of note, the above corrections do not affect the overall conclusions regarding neighbour amenity impacts, and refusal of planning permission on these grounds is still recommended.

Representations

Further to paragraph 7.2 of the committee report, emails have been received from a neighbouring resident, supporting the refusal of permission, but requesting that the proposed density of the development be added as a reason for refusal. Officers, however, would not recommend that this matter be referred to in the reasons for refusal, as it is possible that 61 units and a density of 55 units per hectare *could* be accommodated at this site in a different design (involving reduced and redistributed massing, and possibly a different unit size mix including 1-bedroom units and fewer studios). An applicant may be able to devise such a scheme that efficiently uses this highly-accessible brownfield site whilst at the same time ensuring that neighbour amenity is not harmed, and that the development is appropriate to its context in terms of nearby heights, the character and appearance of the conservation area, and the setting of the nearby listed buildings. Officers would not advise Members that an acceptable, low-impact, contextually-appropriate 61-unit scheme would never be possible here.

Cllr Crook made the following comments:

I wanted to comment to reflect my own views and also, principally, the views of residents who have contacted me with concerns about this proposal. I have conducted a site visit and read through the published documentation (including the range of local objections and the planning history...) and I think that the proposed development is a significantly different proposition when compared to the previously granted permission so I am pleased that this is being considered as an independent application and not as an amendment to existing.

The new proposal does not appear to fit in with local development aims as outlined in the recent NDP. Specifically I am concerned with the character of the proposal which will dominate the area (too big and too high), issues around parking including the loss of four existing parking spaces for adjacent residents, the biodiversity impact of the proposed development (specifically the alterations to the mill pond) and issues related to drainage and flood risk. I am also concerned about the increase to traffic on the local and already busy roads with such a large development, specifically on Hollowgate which is intended to be made more pedestrian friendly in the near future as part of the Holmfirth Access Plan.

Above is in addition to my complete agreement with [officers'] stated reasons for recommending the proposal be rejected.

With reference to their further comments (reported at paragraph 8.2 of the committee report), KC Highways Development Management have advised that their earlier concerns (including regarding detailed drawings, swept paths and waste collection) have not been addressed in the Transport Statement (rev 3) received on 07/02/2022, but that these matters could have been addressed at conditions stage.

Amendments

Amended drawings and documents (comprising 22 drawings, three CGI images and a Heritage and Visual Impact Assessment) were submitted by the applicant on 24/03/2022 but were overlooked by the case officer. The applicant therefore resubmitted the drawings and documents on 30/05/2022.

The amended drawings and documents included some useful new information, but did not address all relevant concerns (and, in any case, at the time of submission (24/03/2022) were not accompanied by amended drainage information). Of note:

- Adjacent dwellings were not numbered/addressed on drawings, the proposed site plan's context was only shown by a faint aerial photograph, and only three NW-SE sections were provided (and the section line locations key plan did not show the adjacent dwellings).
- The Heritage and Visual Impact Assessment appeared to rely heavily on what may have previously existed at the site (as justification for the scale of development now proposed), yet did not appear to be informed by thorough research into what mill buildings once stood here. There is

reference to historic Ordnance Survey plans and remaining walls, based on which the document makes assumptions regarding the scale of the previous mill buildings, however the document included no reference to drawings, photographs or other records that could have eliminated the need for guesswork.

- Heights of the proposed blocks were amended. These included a proposed moving of some of the massing away from the river to block C – this raises concerns regarding the impact of the proposed development upon 29 Woodhead Road.

The amendments and further information included in the applicant's submission of 24/03/2022 and 30/05/2022 would necessitate public re-consultation, were they to be accepted as amendments under the current application. However, given that the submission did not address all relevant concerns (and may have introduced new concerns), officers would not have recommended (and still do not recommend) that they be formally accepted and considered under the current application.

Paragraphs 3.8, 8.3 and 10.88 to 10.92 of the committee report note that no drainage strategy had been submitted with the application. On 31/05/2022 the applicant submitted a Drainage Strategy and a Flood Evacuation Plan. Given their recent submission, comments on these documents have not been received from the Environment Agency (EA) of the Lead Local Flood Authority (LLFA). Of note, comments are also awaited from those consultees in relation to the Flood Risk Assessment addendum and related response to the EA (submitted by the applicant on 26/05/2022 and noted at paragraphs 5.3 and 10.92 of the committee report). In the absence of those comments, officers cannot advise Members that concerns (including regarding finished floor levels, which (as noted at paragraphs 10.43 and 10.53 of the committee report) may have implications for neighbour amenity, design and conservation) have been satisfactorily addressed.

On 31/05/2022 the applicant also submitted a Phase I Geo-environmental Report.

On 07/06/2022 the applicant submitted further drawings, including sections that more clearly illustrate the relationships between the proposed development and existing neighbouring dwellings. While these are of some use, they do not allay all concerns regarding neighbour amenity (including the relationship between block D and 27 Woodhead Road), and in any case they relate to the amended scheme (of 24/03/2022 and 30/05/2022) that has not been formally accepted for consideration under the current application and has not been put to public consultation.

Parking

Further to paragraph 10.80 of the committee report, on 30/05/2022 the applicant confirmed that the four parking spaces annotated "P00" on the proposed site plan (100)10 are indeed replacements for the four spaces that would be lost at the terminus of Lower Mill Lane. Therefore, the on-site provision for the development itself would fall short of what is needed for the proposed development and its visitors. Although KC Highways Development Management have not recommended refusal of permission for this reason, given that the four existing spaces are known to be well-used, given that

Lower Mill Lane does not have on-street capacity to absorb the vehicles displaced due to the loss of these spaces, and having regard to the comments of neighbouring residents and Cllr Crook, it is recommended that this matter be referred to in the council's decision (as per recommended reason for refusal 3).

Public benefits

On 07/06/2022 the applicant submitted a summary of the benefits of the proposed development when compared with those of the previously-approved scheme (refs: 2012/90738 and 2018/90031). While not all of the listed benefits are applicable to the current proposals (they include reference to solar panels, air source heat pumps and hydro-electric generation, which are not proposed under the current application), the applicant has highlighted:

- Better flood mitigation than proposed under the previous scheme.
- Biodiversity net gain, habitat creation and Landscape and Ecological Management Plan.
- No imported material needed to raise ground levels.
- Better open space, landscaping and amenity due to underground car parking.
- Better route for the riverside walk.
- Increased apartment sizes.
- Highest roof ridge would be 1.2m lower than that of the approved scheme.
- Improved ratio of parking spaces to apartments.
- Electric vehicle charging.
- Cycle storage.
- More space for residents' storage.

The above points are noted, although some had already been taken into account in the assessment set out in the committee report, some can only be given limited weight (as *public* benefits), some require verification from consultees, and some are standard requirements of planning policies in any case. Furthermore, it has not been demonstrated that the above benefits could not be achieved in any case, in a revised proposal that did not result in the harms listed in the recommended reasons for refusal.

Having assessed the above, and other public benefits of the proposed development, it is not considered necessary to revise the advice provided at paragraphs 10.41 and 11.4 of the committee report.

Applicant's request for deferral

The applicant has requested that the application be withdrawn from the agenda of the Strategic Planning Committee meeting of 09/06/2022. The applicant has also submitted amended drawings and documents and has asked that these be formally considered by the council under the current application. The applicant is of the view that the amended drawings and documents address the recommended reasons for refusal, has stated that the delays in submitting amended information were beyond the control of the applicant, and has noted that some of the amended drawings and documents were submitted on 24/03/2022 but were overlooked by officers.

While it is accepted that ongoing discussions with the EA have delayed some of the applicant's submissions, and while it is noted that the applicant's submission of 24/03/2022 was regrettably overlooked by the case officer, it must also be noted that the application is over a year old, that the council has attempted to work proactively with the applicant in resolving issues (in accordance with paragraph 38 of the NPPF), and that the NPPF (paragraph 47) states that decisions on applications should be made as quickly as possible. Furthermore, it is noted that the applicant's submission of 24/03/2022 and 30/05/2022 did not address all relevant concerns, that other crucial information has only been submitted very recently, that responses from key consultees have not yet been received, and that an amended scheme has not been put to public consultation under the current application. At this stage, officers cannot advise Members that there is a reasonable prospect of an acceptable amended scheme (that has been put to public consultation) being brought to committee for determination within a reasonable timeframe during the remaining life of the current application.

As only the applicant's original submission has been put to public consultation, and as the subsequent submissions illustrated materially different proposals (which the public could reasonably expect to be consulted on), it is considered that the council's decision must be based on the applicant's original submission. Any determination based on subsequent submissions that have not been put to public consultation may result in a third party's interests being prejudiced.

Officers therefore do not recommend that the application be withdrawn from the agenda of the Strategic Planning Committee meeting of 09/06/2022, and do not recommend that Members defer their decision. Furthermore, it is recommended that the council's decision be based on the applicant's original submission (and not on subsequently-amended drawings and documents). Over a year on from the date of submission, it is considered appropriate to now determine the application.

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