

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

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Wednesday 28 February 2018

## Notice of Meeting

Dear Member

### Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 8 March 2018**.

(A coach will depart the Town Hall, at 10.15am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber at Huddersfield Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Strategic Planning Committee members are:-**

### **Member**

Councillor Steve Hall (Chair)  
Councillor Bill Armer  
Councillor Donald Firth  
Councillor Paul Kane  
Councillor Carole Pattison  
Councillor Andrew Pinnock

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

### **Substitutes Panel**

#### **Conservative**

D Bellamy  
N Patrick  
G Wilson  
J Taylor

#### **Green**

K Allison  
A Cooper

#### **Independent**

C Greaves  
T Lyons

#### **Labour**

E Firth  
C Scott  
M Sokhal  
S Ullah  
S Pandor

#### **Liberal Democrat**

J Lawson  
A Marchington  
L Wilkinson

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

This is where Councillors who are attending as substitutes will say for whom they are attending.

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**2: Minutes of the Previous Meeting**

1 - 6

To receive the Minutes of the previous meeting of the Committee held on 8 February 2018.

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**3: Interests and Lobbying**

7 - 8

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

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**4: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

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**5: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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**6: Public Question Time**

The Committee will hear any questions from the general public.

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**7: Site Visit - Application No: 2018/90074**

Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping at land off, Lindley Moor Road, Huddersfield

(Estimated time of arrival at site – 10.35am)

Contact Officer: Bill Topping

**Wards Affected:** Lindley

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**8: Site Visit - Application No: 2018/90242**

Change of use from stone yard to tree/log storage yard at The Old Stone Yard, Near Bank, Shelley, Huddersfield.

(Estimated time of arrival at site – 11.15am)

Contact Officer: Louise Bearcroft

**Wards Affected:** Kirkburton

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**9: Local Authority Planning Appeals**

9 - 12

The Sub Committee will received a report detailing the outcome of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Contact Officer: Mathias Franklin, Planning Services

**Wards Affected:** Holme Valley North

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The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 05 March 2018.

To pre-register, please contact [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk) or phone Andrea Woodside on 01484 221000 (Extension 74993).

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda.

**10: Planning Application - Application No: 2016/92298** 17 - 48

Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) at Former North Bierley Waste Water Treatment Works, Oakenshaw.

Contact Officer: Farzana Tabasum, Planning Services

**Wards Affected:** Cleckheaton

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**11: Planning Application - Application No: 2017/94336** 49 - 72

Part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas (Listed Building) at Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Contact Officer: Adam Walker, Planning Services

**Wards Affected:** Holme Valley South

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**12: Planning Application - Application No: 2017/94337** 73 - 78

Listed building consent for conversion of listed building to form private gymnasium and demolition of curtilage buildings at Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Contact Officer: Adam Walker, Planning Services.

**Wards Affected:** Holme Valley South

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- 13: Planning Application - Application No: 2017/90620** 79 - 110
- Hybrid application - Planning application for demolition of existing buildings and erection of 2no workshop and ancillary office buildings (B1c/B8 use class) comprising a floor area of 880m<sup>2</sup> including mezzanine space, parking, access details and ancillary works. Outline planning application for the erection of up to 75no dwellings (Amended Description) Dobroyd Mills, Hepworth Road, New Mill, Holmfirth.
- Contact Officer: Matthew Woodward, Planning Services
- Wards Affected:** Holme Valley South
- 
- 14: Planning Application - Application No: 2018/90074** 111 - 122
- Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping at land off, Lindley Moor Road, Huddersfield.
- Contact Officer: Bill Topping, Planning Services
- Wards Affected:** Lindley
- 
- 15: Planning Application - Application No: 2017/93925** 123 - 140
- Erection of 3 No. retail units and associated works (within a Conservation Area) at land at Junction of, Cemetery Road and Mayman Lane, Batley.
- Contact Officer: Bill Topping, Planning Services
- Wards Affected:** Batley West
- 
- 16: Planning Application - Application No: 2018/90242** 141 - 148
- Change of use from stone yard to tree/log storage yard at The Old Stone Yard, Near Bank, Shelley, Huddersfield.
- Contact Officer: Louise Bearcroft, Planning Services
- Wards Affected:** Kirkburton
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### Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Thursday 8th February 2018**

Present: Councillor Steve Hall (Chair)  
Councillor Bill Armer  
Councillor Donald Firth  
Councillor Carole Pattison  
Councillor Andrew Pinnock  
Councillor Eric Firth

Observers: Councillor John Lawson  
Councillor Nigel Patrick  
Councillor Viv Kendrick  
Councillor Ken Sims

- 1 Membership of the Committee**  
Councillor E Firth substituted for Councillor Kane.
- 2 Minutes of the Previous Meeting**  
**RESOLVED** – That the Minutes of the Meeting held on 11 January 2018 be approved as a correct record.
- 3 Interests and Lobbying**  
Councillor S Hall declared that he had been lobbied on Application 2017/93488.  
  
Councillor A Pinnock declared that he had been lobbied on Application 2016/92298.
- 4 Admission of the Public**  
It was noted that all Agenda Item 17 would be considered in private session. (Minute No: 17 refers)
- 5 Deputations & Petitions**  
None received.
- 6 Public Question Time**  
No questions were asked.
- 7 Site Visit - Application No: 2017/94080**  
Site visit undertaken.
- 8 Site Visit - Application No: 2017/93488**  
Site visit undertaken.

**9 Planning Application - Application No: 2017/90955**

The Committee gave consideration to Application 2017/ 90955 – Outline application for residential development with details of layout and access only land at Forest Road, Dalton.

**RESOLVED –**

- (1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
  - approval of details of the appearance, landscaping and scale
  - plans and particulars of the reserved matters
  - application for approval of reserved matters
  - timeframe for implementation of the development
  - all conditions required in associations with highways works/parking areas/access
  - details of retaining structures adjacent to highway including facing materials
  - bin storage for each plot
  - electric charging point
  - details of a scheme for the rate of surface water discharge from the site to a maximum of 5 litres per second
  - all areas indicated to be used for vehicles to be paid out with a hardened and drained surface in accordance with the Communities and Local Government and Environment Agency's guidance on the permeable surfacing of front gardens.
  
- (2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover provision, as a community benefit, of five three-bedroom affordable housing units.
  
- (3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Strategic Investment shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, E Firth, S Hall, Pattison and A Pinnock (6 votes)

Against: (no votes)

**10 Planning Application - Application No: 2017/93488**

The Committee gave consideration to Application 2017/93488 – Outline permission for erection of 96 dwellings and planning permission for infill of land at Walkey Terrace and Brunswick Street, Heckmondwike.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Victoria Harrington, John Salter and Howard Gee (local residents) and Andrew Stoddart (on behalf of the applicant).



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Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor Kendrick.

**RESOLVED** – That the application be refused on the grounds that;

- (i) the proposed temporary access arrangements associated with the landfilling element of this proposal would have significant detrimental impact on highway safety in the vicinity of the site in that the local highway network is not capable of safely accommodating the regular daily movement of the heavy goods vehicles needed to transport infill material to the site. This would be contrary to Unitary Development Plan policy T10 and Kirklees Publication Draft Local Plan policies PLP21, PLP44 and Section 7 of the National Planning Policy Framework.
- (ii) the applicant has failed to demonstrate that the landfill of the site over a period of at least two years will not have a detrimental impact on the amenity of neighbouring uses as a result of noise and dust. This would be contrary to Unitary Development Plan policies EP4, EP6 and WD5 and Kirklees Publication Draft Local Plan policies PLP51 and PLP52 and Section 11 of the National Planning Policy Framework.
- (iii) the applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not be detrimentally affected. This would be contrary to Unitary Development Plan policies D6, WD5 and Kirklees Publication Draft Local Plan policy PLP30 and Section 11 of the National Planning Policy Framework.
- (iv) the applicant has failed to demonstrate that this proposal will not have a detrimental impact on air quality in the area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP51 and Section 11 of the National Planning Policy Framework.
- (v) the applicant has failed to demonstrate that the drainage measures proposed would not increase the risk of flooding in the local area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP27 and Section 10 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, E Firth, S Hall, Pattison and A Pinnock (6 votes)

Against: (no votes)

### 11 **Planning Application - Application No: 2017/94080**

The Committee gave consideration to Application 2017/94080 – Erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes at CR Longley & Co Ltd, Ravensthorpe Road, Thornhill Lees.

**RESOLVED** –

- (1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
  - the assessment of flood risk and the proposed drainage strategy

## Strategic Planning Committee - 8 February 2018

- the impact of HGV movements upon Air Quality Management Areas in Scout Hill and Dewsbury
- hours of operation for deliveries and dispatches to and from the site
- the provision of landscaping within the site

(2) That in circumstances where the matters have not been satisfactorily resolved within three months of this decision, the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable, and if so, be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, E Firth, S Hall, Pattison and A Pinnock (6 votes)

Against: (no votes)

### 12 **Planning Application - Application No: 2017/93053**

The Committee gave consideration to Application 2017/93053 – Reserved Matters application pursuant to outline permission 2014/93248 for erection of residential development (48 dwellings) at land off Stoney Bank Lane, Thongsbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Graham Bird, Kevin Overson, Susan Drake and Diane Harper (local residents) and Jim Lomas (applicant's agent).

Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received representations from Councillors Sims and Patrick.

### **RESOLVED –**

- (1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
  - approved plans
  - materials to be natural stone to all plots and to be submitted
  - route of drainage scheme to be agreed
  - woodland management and public open space scheme
  - removal of permitted development rights of all dwellings
  - construction management plan including hours of working and deliveries to be agreed prior to commencement of development
- (2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) public open space contribution and future maintenance and (ii) affordable housing.
- (3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Strategic Investment shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore

## Strategic Planning Committee - 8 February 2018

be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors E Firth, S Hall, Pattison and A Pinnock (4 votes)

Against: Councillors Armer and D Firth (2 votes)

### 13 **Planning Application - Application No: 2017/93609**

The Committee gave consideration to Application 2017/93609 – Erection of four dwellings and change of use of land as domestic garden area and areas of public open space at land at Stoney Bank Lane, Thongsbridge, Holmfirth.

#### **RESOLVED –**

- (1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
  - three year time limit
  - materials to be natural stone, details to be submitted
  - cannot be occupied until such a time that 2017/93053 is built out
  - drainage as per 2014/93248
  - landscaping
- (2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) public open space contribution and future maintenance and (ii) affordable housing.
- (3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Strategic Investment shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors E Firth, S Hall, Pattison and A Pinnock (4 votes)

Against: Councillors Armer and D Firth (2 votes)

### 14 **Planning Application - Application No: 2017/93449**

The Committee gave consideration to Application 2017/93449 – Erection of detached dwelling and stable and demolition of existing dwelling at 675/677 Wyke Lane, Oakenshaw.

**RESOLVED –** That, in accordance with Section 101 (1) of the Local Government Act 1972, development control powers be delegated to Bradford Metropolitan District Council in respect of Application 2017/93449/E .

## Strategic Planning Committee - 8 February 2018

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, E Firth, S Hall, Pattison and A Pinnock (6 votes)

Against: (no votes)

### 15 **Planning Application - Application No: 2016/92298**

The Committee gave consideration to Application 2016/92298 – Outline application for re-development of former waste treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) at former North Bierley Waste Water Treatment Works, Oakenshaw.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Alan Wainwright and Sarah Ferriby (Bradford MBC Councillors), Allison Kienlen, Wendy Hamilton, David Rhodes and Brian Pearson (local residents) and Matthew Sheppard (applicant's agent).

Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor Lawson.

(The Committee gave consideration to Agenda Item 17 (Minute No: 17 refers) prior to the determination of this Planning Application).

**RESOLVED** – That the application be deferred in order to enable further consideration to be given to highways safety concerns and explore alternative options regarding access to the site.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, S Hall, Pattison and A Pinnock (5 votes)

Against: (no votes)

### 16 **Exclusion of the Public**

**RESOLVED** – That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned Minute.

### 17 **Planning Application - Application No: 2016/92298**

(Exempt information relating to Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Variation Order 2006 as it contains commercially sensitive information (Information relating to the financial or business affairs of any particular person, including the Authority holding that information). It is not in the public interest to disclose the exempt information as disclosure could adversely affect overall value for money and compromise the interests of the company involved, which outweighs the public interest.

The Committee gave consideration to the exempt information prior to the determination of Agenda Item 15. (Minute No: 15 refers)

<b>KIRKLEES COUNCIL</b>			
<b>DECLARATION OF INTERESTS AND LOBBYING</b>			
Strategic Planning Committee			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]</b>	<b>Brief description of your interest</b>

**LOBBYING**

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: ..... Dated: .....

## **NOTES**

### **Disclosable Pecuniary Interests**

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and  
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Lobbying**

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

**Name of meeting: STRATEGIC PLANNING COMMITTEE**

**Date: 8 MARCH 2018**

**Title of report: LOCAL PLANNING AUTHORITY APPEALS**

The purpose of the report is to inform Members of planning appeal decisions received in the Heavy Woollen/Huddersfield area since the last Strategic Committee meeting.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a>?</b>	<b>No</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>No</b>
<b>Date signed off by Service Director - Economy, Regeneration &amp; Culture</b>	<b>Paul Kemp 27 February 2018</b>
<b>Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?</b>	<b>No financial implications</b>
<b>Is it also signed off by the Assistant Director - Legal Governance and Monitoring?</b>	<b>No legal implications</b>
<b>Cabinet member portfolio</b>	<b>Economy (Strategic Planning, Regeneration &amp; Transport) (Councillor P McBride)</b>

**Electoral wards affected: Holme Valley North**

**Ward councillors consulted: No**

**Public or private: Public**

**1. Summary**

This report is for information only. It summarises the decisions of the Planning Inspectorate, in respect of appeals submitted against the decision of the Local Planning Authority. Appended to this Item are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

**2. Information to note: The appeal decision received are as follows:-**

- 2.1 2016/60/92181/W - Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road at Land off, Woodhead Road, Honley, Holmfirth, HD9 6PR. (Strategic Committee) (Appeal Withdrawn)

**3. Implications for the Council**

**3.1 There will be no impact on the four main priority areas listed below**

- Early Intervention and Prevention (EIP)
- Economic Resilience (ER)
- Improving outcomes for Children
- Reducing demand of services

**4. Consultees and their opinions**

Not applicable, the report is for information only

**5. Next steps**

Not applicable, the report is for information only

**6. Officer recommendations and reasons**

That the report be noted.

**7. Cabinet portfolio holder recommendation**

Not applicable

**8. Contact officer**

Mathias Franklin –Development Management Group Leader (01484 221000) [mathias.franklin@kirklees.gov.uk](mailto:mathias.franklin@kirklees.gov.uk)

**9. Background Papers and History of Decisions**

Not applicable

**10. Service Director responsible**

Paul Kemp





# The Planning Inspectorate

Room: 3N  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line: 0303 444 5795  
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[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Simon Taylor  
Kirklees Metropolitan Council  
PO Box B 93  
Development Control  
Civic Centre 3  
Huddersfield  
HD1 2JR

Your Ref: 2016/60/92181/W  
Our Ref: APP/Z4718/W/17/3181461

22 January 2018

Dear Mr Taylor,

Town and Country Planning Act 1990  
Appeal by Miller Homes Ltd  
Site Address: Land off Woodhead Road, Honley, Holmfirth, HD9 6PR

I enclose for your information a copy of an email received withdrawing the above appeal.

I confirm no further action will be taken.

We will continue to process the remaining appeal (APP/Z4718/W/17/3191803 will still continue).

Yours sincerely,

***Charm McFarlane***  
Charm McFarlane

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)*

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**In respect of the consideration of all the planning applications on this Agenda the following information applies:**

## **PLANNING POLICY**

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

## **National Policy/ Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27<sup>th</sup> March 2012, the Planning Practice Guidance Suite (PPGS) launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

## **REPRESENTATIONS**

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

## **EQUALITY ISSUES**

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

## **HUMAN RIGHTS**

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

## **PLANNING CONDITIONS AND OBLIGATIONS**

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

**Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.**

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 08-Mar-2018

**Subject: Planning Application 2016/92298 Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET**

#### APPLICANT

Keyland Developments  
Ltd

#### DATE VALID

08-Jul-2016

#### TARGET DATE

28-Oct-2016

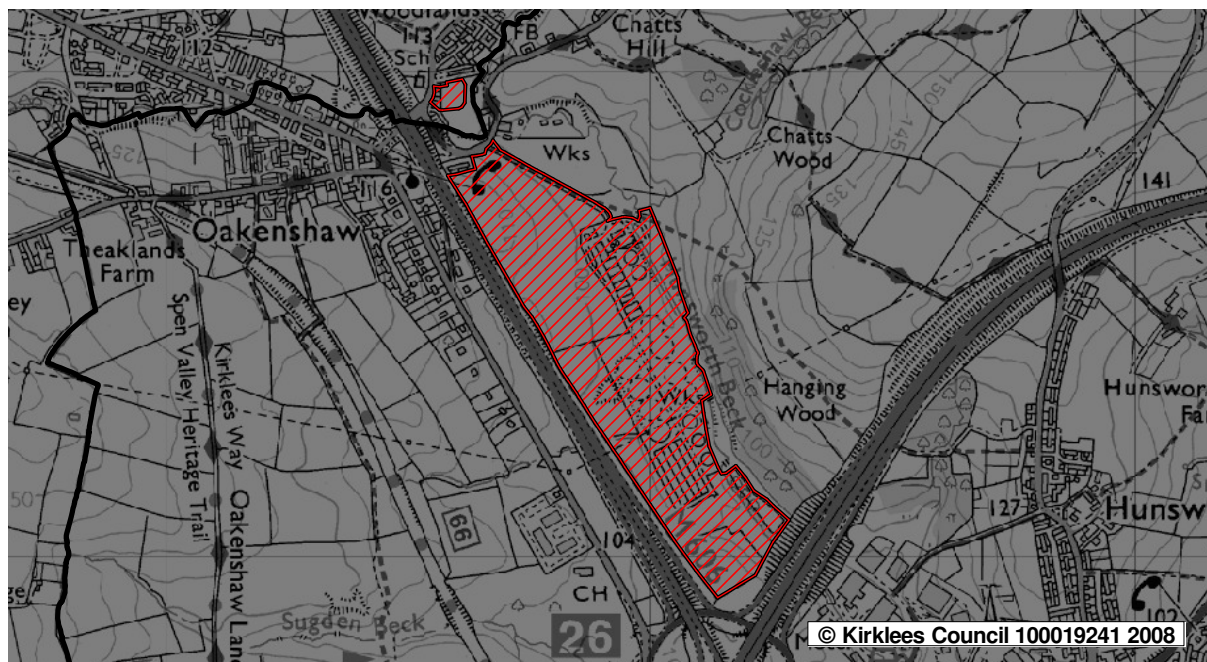
#### EXTENSION EXPIRY DATE

31-May-2017

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected: Cleckheaton**

Yes

Ward Members consulted

**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to ensure

1. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use
2. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and
3. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

In addition to the above to secure a Section 106 Obligation (Unilateral Undertaking) from the applicant to provide the proposed 36 space car park, submitted to Bradford Council for Woodlands C of E Primary School application reference no.16/06146/MAO subject to Bradford City Council approving the application.

**1.0 INTRODUCTION:**

- 1.1 The application is brought to Committee for determination following the application being deferred on 8<sup>th</sup> February 2018 by Members. This was to allow further consideration and review by the applicant of potential alternative highway access points/locations into the site and clarity on the predicted mix of uses within the site.
- 1.2 Points of clarity on both of the above issues have been received along with road safety audits in relation to the proposed highway works/improvements proposed.



- 1.3 This includes a technical statement which sets out a number of alternative access points which have been considered by both authorities and Highways England. This will be presented to Members on the day of committee, along with diagrammatical information. The technical statement has also been posted on the Kirklees website as of 21<sup>st</sup> February 2018. In addition, the applicant confirms, alternative access points were presented and the reasons for their rejection fully explained at the time of carrying out the public consultation.
- 1.4 Paragraph nos.10.51 & 10.52 of the appraisal below, under the section headed 'Highway Issues' sets out specific details of the alternative access points, including a further response from Highways England who agree and accept the reasons for discounting the alternative options explored by the applicant.
- 1.5 With regards to the ratio mix of uses, the applicant assumes B1: 8.2%, B2: 75.8%, and B8: 25.2%. These are based on the applicant's current knowledge of the market. However it is acknowledged ultimately, the market will dictate what the final ratio/mix of uses in the general industrial category would be. The key consideration is to ensure there is flexibility to attract operators to the site for uses which fall into the general industrial category. This approach is consistent with national policy as set out in paragraph 21 (bullet 3) of NPPF. Furthermore, it is noted there is no policy requirement in the Publication Draft Local Plan which applies specific use class ratios for employment and mixed uses allocations.
- 1.6 On a separate note Cllr John Lawson raised concerns in relation to the likely increased nos. of HGV vehicle traffic movement in close proximity to Woodlands C of E school and made reference to a primary school in Keighley where a nearby local HGV training school was instructed to change their route to avoid passing in front of the school. **Response:** Whilst each application is considered under its own merits, it is noted the route of the HGV's from the application site is unlikely to pass in front of Woodlands C of E school, which is sited north of the site. Furthermore, in light of the statement made it would not be reasonable nor precise to compare the application proposals with that referred to by Cllr Lawson, without substantial evidence to indicate the circumstances of both are identical.
- 1.7 The committee report presented to Members on 8<sup>th</sup> February set out and addressed a number of issues previously raised by Members on 30<sup>th</sup> November after hearing the position statement. The issues raised related to:
- Reducing gap resulting in coalescing of two settlements
  - To review and re- consider all the off- site highway proposals
  - Overspill of tanks (where did/does this go)
  - Anticipated business rates
- Paragraph nos. 3.4, 10.28 – 10.38, 10.46 - 48, 10.51, 10.55, 10.81 and 10.82 below addresses these issues.
- 1.8 A confidential appendix was also circulated to committee members prior to 8<sup>th</sup> February that included details of the viability assessment to consider the viability issues involved with this application.

- 1.9 The application is brought to Strategic Committee as the proposed development would represent a departure from the Council's Unitary Development Plan.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is located to the southern edge of Bradford between Oakenshaw and Cleckheaton, approximately 15km north east of Huddersfield and 5km south of the centre of Bradford. The site is located off the junction the M606 and adjacent to junction 26 of the M62. The site has undulating topography occupying structures relating to the former waste water works (WWTW) and is bounded to the west by mature landscaping along the M606 with a gently sloping embankment and south by the M62. To the north and east is open land with a wildlife habitat network area beyond the site. Access to the site is taken from Cliff Hollins Lane to the north. There is public right of way which follows the existing access road and crosses the site in the north-eastern corner of the site.
- 2.2 The site covers an area of approximately 23.2 hectares comprising of brownfield land covering a large extent of the central part of the site towards the east which is occupied by the former WWTW structures and greenfield land within the north western part of the site. The site is located within the Green Belt.

## **3.0 PROPOSAL:**

- 3.1 The application as amended is submitted in outline with all matters reserved for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8). The supporting indicative details include plans showing parameters of where the proposed employment use/buildings are likely to be sited and where access to the site will be formed by utilising the existing access point shown to be realigned into the site with a spinal road shown running centrally within the site. The proposals although to be largely on the brownfield part of the site would involve extending onto an area of greenfield land, in the north west part of the site.
- 3.2 The application is for 35,284m<sup>2</sup> of B1, B2 and B8 use. For the purpose of the traffic assessment the mix of uses was has been assumed on:  
B1- 8.2%, B2- 75.8% and B8- 25.2%.

The proposals will include associated hard standing service yards and car park areas. The exact size, nature and location of the end users cannot be determined at this stage.

- 3.3 Whilst all matters are reserved for subsequent approval, the submitted information includes indicative details of proposed highway works and a parameter plan which demonstrates the maximum floorspace and building heights in accordance the requirements of the Environmental Impact Assessment (EIA). This indicates the maximum height and floor space of the proposed buildings/uses could be up to 18m high with a floor space of 35,284m<sup>2</sup>.
- 3.4 A further viability appraisal was received which is based on the quantum of the commercial development only. Details were included within a confidential

appendix that was circulated to committee members prior to the 8<sup>th</sup> February committee.

- 3.5 For information this is a cross boundary application as an application is submitted to Bradford Council for a new car park to provide 36 car park spaces for Woodlands C of E Primary School on a separate parcel of land which lies in the Bradford district north of the application site.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 None recent relevant applications

#### **5.0 HISTORY OF NEGOTIATIONS:**

The applicants engaged in pre-application discussions with the LPA and undertook public consultation prior to the submission of the application.

11/08/16 – Acknowledgement of PROW running through the site  
17/10/16 – applicant's agreement to pay for assessment of viability appraisal  
21/10/16- Technical Addendum, which provides a response to comments raised in relation to the Transport Assessment  
09/12/16 – meetings/negotiations with agent/applicant raising a number of issues  
07/03/17- agents agreement to extension of time  
26/05/17- brief outline concerns following the appraisal of the viability appraisal  
10/10/17- preliminary revised master plan for discussions  
02/11/17- formal submission of revised plans/details omitting residential element  
09/11/17 – receipt of revised Design & Access and Planning Statements.  
21/11/17 – receipt of Phase 1 report & revised parameters plan  
28/11/17 – Phase 1 report  
14/12/17 – phase 11 Geo- Environmental site investigation report  
22/12/17 – noise & vibration report dated December 2017  
11/01/18 – addendum to Viability Appraisal  
11/01/18 – additional sections indicating distance and levels to nearest residential properties, to the north  
31/01/18 – highway plans RSA  
07/02/18 – Bradford Road arm of M62 roundabout (3 diagrams reference no. 60221630 rev 5)  
20/02/18 – road Safety Audit Designers response Revision 2  
20/02/18 – technical note with clarity on mix/ratio of uses

#### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the

UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

## 6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

**G1** - Regeneration will be secured through developments which strengthen and broaden the economic base and increase employment, improve infrastructure & secure the reuse of land

**G6** – Land contamination

**B1** - employment needs of the district will be met by providing land to accommodate the requirements of existing Kirklees businesses and the establishment of new businesses

**BE1** – Design principles

**BE2** – Quality of design

**BE11** – Building materials

**DL1** – Derelict and neglected land

**DL2** – Reclamation of derelict land

**EP4** – Noise sensitive locations

**EP11** – Ecological landscaping

**NE9** – Development proposals affecting trees

**R13** – developments affecting public rights of way

**T1** – Transport: Strategy

**T10** – Highway Safety

**T16** – Pedestrian access

**T19** – Parking standards

**DL1** – Derelict and neglected land

**DL2** – Reclamation of derelict land

## 6.3 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

**PLP1** – Presumption in favour of sustainable development

**PLP2** – Place shaping

**PLP4** – Providing Infrastructure

**PLP3** – Location of new development

**PLP7** – Efficient and effective use of land and buildings

**PLP9**- Supporting skilled and flexible communities and workforce

**PLP19** – Strategic transport infrastructure

**PLP20** – Sustainable travel

**PLP21** – Highway safety and access

**PLP22** – Parking

**PLP23** – Core walking and cycling network

**PLP24** – Design

**PLP28** – Drainage

**PLP30** – Biodiversity & Geodiversity

**PLP31** – Strategic Green Infrastructure Network

**PLP32** – Landscape

**PLP33** – Trees

**PLP34** – Conserving and enhancing the water environment

**PLP51** – Protection and improvement of local air quality

**PLP53** – Contaminated and unstable land

**PLP59** – redevelopment of brownfield site in the greenbelt

**Submission Document SD2- Draft Allocations & Designations- The site is identified as a draft employment allocation (reference E1985a):**

**Site E1985a**

Site no	<a href="#">E1985a</a>
Site address	Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Cleckheaton
Ownership	Private
Gross site area (Ha)	14.03
Net site area (Ha)	7.61 - developable area reduced to take account of a Department for Transport highways improvement scheme (M606 and M62), an area affected by a hazardous installation inner zone and a buffer for the Local Wildlife Site.

Constraints	<ul style="list-style-type: none"> <li>• Land to be safeguarded for M62/M606 widening scheme</li> <li>• The access road will require widening into the site as well as improvements to its junction with Cliffe Hollins Lane</li> <li>• Additional mitigation on wider highway network may be required</li> <li>• Public right of way in close proximity to the north of the site</li> <li>• Part of the site is within flood zone 3</li> <li>• Surface water issues</li> <li>• Potentially contaminated land</li> <li>• Potential for noise impact</li> <li>• Potential for odour impact</li> <li>• Site affected by hazardous installation / pipelines</li> <li>• Proximity to a Local Wildlife Site</li> <li>• Part/all of the site is within a High Risk Coal Referral Area</li> <li>• Power lines cross the site</li> </ul>
Proposed allocation	Employment
Indicative capacity (sq.m)	46,451
Reports required	<ul style="list-style-type: none"> <li>• Transport Assessment</li> <li>• Travel Plan</li> <li>• Flood Risk Assessment</li> <li>• Surface water drainage report</li> <li>• Contamination report (Phase 1 and 2)</li> <li>• Air Quality Impact Assessment</li> <li>• Noise assessment</li> <li>• Predetermination archaeological evaluation</li> <li>• Health Impact Assessment</li> <li>• Coal Mining Risk Assessment</li> <li>• Landscape Character Assessment</li> </ul>
Other site specific considerations	<ul style="list-style-type: none"> <li>• Enhancements to biodiversity to be considered</li> <li>• Prevention and mitigation to reflect Water Framework Directive requirements</li> <li>• Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas</li> <li>• Development may need to contribute to improvements to the strategic road network if committed schemes will not provide sufficient capacity.</li> </ul>

#### 6.4 National Planning Guidance:

**Paragraph 7** – Sustainable Development

**Paragraph 17** – Core Planning Principles

**Chapter 4** – Promoting sustainable transport

**Chapter 7** – Requiring good design

**Chapter 8** – Promoting healthy communities

**Chapter 10** – Meeting the challenge of climate change, flooding and coastal change

**Chapter 11** – Conserving and enhancing the natural environment

**Chapter 12** – Conserving and enhancing the historical environment

#### 6.5 Other relevant guidance/documents:

Draft Local Plan Technical Paper: Employment (2017)

Kirklees Economic Strategy (2014) (KES) sets the district-wide vision for economic performance.

Leeds City Region Strategic Economic Plan 2016-2036 (2016) - sets out the economic vision for the City Region as a whole and is a key document in terms of informing the overall strategy to be taken in the Local Plan.

Kirklees Joint Health and Wellbeing Strategy

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Subsequent to the application being presented to Members as a position statement on 30<sup>th</sup> November 2017, the associated highway works were reviewed as suggested by Members. Consequently this has resulted in revisions to the proposed highway works to all three junctions. The publicity period for these revisions expired 6<sup>th</sup> February 2018. A further 14 representations were received.

Publicity of the application proposals and previously proposed associated highway works was advertised via site notice and through neighbour letters to addresses bordering the site, in line with the Councils adopted Statement of Community Involvement.

A total of 91 representations were received on the initial scheme. Following revised plans omitting the residential part of the scheme, a total of 65 representations were received. One of which is a letter in support the others are objections.

The concerns raised of all the representations received are summarised below:

### **Amenity concerns:**

- Noise & light pollution during after hours to properties on Cliff Hollins Lane, these being in close vicinity and in direct view of the site
- major reduction in air quality from the increase in commercial vehicles in the area
- Bungalows on cliff Hollins will be boxed in
- considerable increase in noise and vibration from HGV
- findings of the vibration tests along the A638 Bradford Road in the submitted report are dismissed and do not represent a true reflection
- concerns over increased vibration from HGV on these roads
- conflict between users of proposed housing and industrial on highway and air quality concerns to new residential properties.

### **Highway concerns:**

- Substantial increase in commercial, vehicles and employees of the company commuting to and from work, traffic going up and down Cliff Hollins Lane which is in effect a country lane
- increase in traffic would substantially exacerbate existing problems on the surrounding highways
- Access to and from the development falls into two areas; a) a new roundabout being introduced at the junction of Mill Carr Hill Road and Cliff Hollins Lane.
- Oakenshaw village doesn't have the capacity to cope with the increase in traffic
- The increase in traffic and footfall will endanger children's lives, it is too close to the entrance of the Primary School (adjacent to their

playground) exposing them to toxic fumes, the addition of an extra car park and drop off point will encourage more cars to use the area.

- The junction between Mill Carr Hill Road and Bradford Road is already dangerous and has a record of major accidents over the years involving cars and HGV vehicles.
- Concerns over emergency access not only to the new development but also the existing communities.
- The addition of a pedestrian crossing will reduce safety concerns but will exacerbate existing highway safety and traffic flow issues
- Mini roundabout and T junction for Cliff Hollins Lane will not assist traffic flow in and out at this junction
- No mention of incorporating footpaths
- alternative approach roads should be considered to the south of the site.
- The mini roundabout will be difficult for large vehicles to negotiate. It is
- extremely close to school entrance and crossings and will be a
- potential hazard to pedestrians.
- “Proposed site entrance is the scene of many accidents”
- “Do Highways have recent figures on the amount of traffic using Bradford Road, Mill Carr Hill Road, Cliff Hollins Lane – and not counts that are taken in the school holidays”.
- Loss of existing footpath in front of bungalows on Cliff Hollins Lane to accommodate proposed realigned access into site.
- Concerns relating to car park would result in loss of green space, entrance would be on blind spot, drainage issues of this area
- No mention of remedial work on the narrow bridge to make it suitable for the additional traffic coming from the new estate nor any improvements to Cliff Hollins
- Impact on highways queueing traffic would contribute to increasing air and noise pollution
- Highway safety concerns on pedestrians and other users of highways from intensified use by heavy good industrial traffic
- The entrance onto Chain Bar from Bradford road is the only one which isn't regulated by traffic lights additional traffic would add to existing highway concerns at this point.
- New road junction close to Woodlands First School would raise highway safety concerns
- New zebra crossing too close to a blind spot

**Wildlife/ecology concerns:**

- loss of semi rural area and having an impacting on the wildlife
- Loss of animal habitat such as bats and newts.

**Concerns relating to constraints on site:**

- The site is still constrained by the high-pressure gas pipeline and overhead power cables
- The effect of disturbing a waste treatment site which is believed to have asbestos waste from the old Mintex/BBA site.



**Other/miscellaneous concerns:**

- The Applicant states that a Consultation has taken place with the community, this was in 2014 for a previous proposal which was completely different to the latest application.
- No consultation with the community about the revised plan
- there is no evidence of a need for additional space
- The loss of Greenbelt from this total site which provides a buffer to urban sprawl.
- neighbouring towns merging into one another in the green belt
- no mention of proposed residential development of Oak Mill – Application 2016/92664 and the cumulative impact of this together with the proposals
- Are these likely to improve employment or merely move current employment and 'streamline
- Other sites discounted as not preferable sites
- The need is questioned
- Forecasted nos. of jobs to be created will not be an accurate figure as many of the jobs are not new jobs, people travel from other sites/places etc. An example of this would be Spring Ram when they said 2000 jobs would be created – they were granted planning permission on Green Belt Land off Mill Carr Hill Road and the 2000 became less than 1000 jobs
- Is the area at junction of Bradford Road/Mill Carr Hill Road adopted by the school to put their Christmas tree and where a bench has been provided by BASF for the elderly to use and the general area, to be removed to accommodate the proposals?
- Viability assessment not available for public viewing
- Additional sections do not clearly indicate height of proposed unit nearest to northern boundary/properties on Cliff Hollins Lane
- Who would have responsibility of for ensuring the entrance to the proposed car park is safely maintained
- Insufficient information (drainage details) on car park proposals
- No documentation presented in respect of the conflict of junction plans of the Oak Mills development at the proposed T-junction
- Proposals would risk the long term viability and continued operations of nearby riding school and livery stables

**None material concern:**

- Not enough schools, dentists, doctors shops etc to sustain any more people.

**7.2 Local member involvement:**

Kirklees Ward Councillors have been briefed of the proposals as submitted and revised. Relevant Councillors of the neighbouring authority have also been informed of the revised proposals.

Cllr Kath Pinnock and Cllr John Lawson state they “have five areas of concern” and make the following comments:

- “The traffic assessment states that the developers expect 186 2-way traffic movements in the morning peak period which is between 8 and 9. So an extra 186 vehicles, mainly HGVs, on Bradford Road, Mill Carr Hill and Cliff Hollins Lane. As this is the estimate for 2 way traffic, it still

means that there will be an extra 93 or so vehicles between 8 and 9 in each direction.

- The proposal at the Mill Carr Hill / Cliff Hollins Lane junction is for Give way for traffic coming down Mill Carr Hill from Tong. There will be car parking created on the land opposite the school for school use.
- At the Mill Carr Hill / Bradford Road junction there will a minor widening of the road. Given the volume of traffic along Bradford Road there will surely be queuing traffic on that bit of Mill Carr Hill adding to road safety fears.
- At Chain Bar, there is already a big problem with traffic queuing from Oakenshaw . Drivers can wait for 20 minutes or more to get onto Chain Bar. More traffic on Bradford Road will only make this much worse. The development is proposing to add an extra lane for access to Chain Bar but this is only for a very short length and will do little to reduce the problem.
- We are already aware that more traffic is using Wyke Lane to avoid the long waits at Chain Bar. This significant extra traffic from the development will only add to this problem.
- We know from national air quality monitoring that the air around Chain Bar and that part of the M62 is heavily polluted. We are extremely concerned that considerable additional traffic, especially of HGVs, will make our air even worse”.

Bradford Cllr Sarah Ferriby has objected raising a number of issues which are summarised below:

- access and egress roads Bradford Road junction, Cliff Hollings Lane, Mill Carr Hill junctions which are unsuitable for high volumes of HGV, Light goods Vehicles and additional cars
- detrimental impact for both residents, pedestrians and local road users.
- proposed roundabout is in very close proximity to the school entrance creating conflicts between Traffic and pedestrians
- there have been numerous accidents including serious accidents and bumps at this point on Bradford road
- increase congestion on surrounding highway infrastructure in an area already congested
- loss of a large expanse of green belt between the local community creating more of an industrial sprawl while losing wild life habitat
- greater demands on site regarding surface water run off management
- considerable site issues including mine shafts which are in existence all over the local area
- great concerns regarding the previous site used for the disposal of waste which will be disturbed
- an alternative access and egress should be sought well away from those proposed to one at the southern end of the site

The applicant on acknowledgement of the concerns raised by Cllr Ferriby, on 21<sup>st</sup> November advised they intend to contact the Cllr Ferriby to offer a meeting to discuss the concerns in the next few days.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Government Office – raised no objections and wishes to make no comments  
The Coal Authority – no objections subject to conditions  
Highways England – support subject to conditions dated (21/02/18)  
Environment Agency- no objections  
Forestry Commission/Natural England –standing advice  
West Yorkshire Ecology – no comments received to date  
K.C. DM Highways - No objection in principle  
K.C. Strategic Drainage – no objections previously, comments awaited on revised proposals

### **8.2 Non-statutory:**

K.C. Environmental Health – on receipt of additional information (noise report & contaminated land reports, no objection in principle subject to conditions including a contribution towards air quality mitigation projects, failing the receipt of such proposals prior to permission being granted  
K.C. Trees - no objection to the proposals in principle  
K.C. Biodiversity/ecology unit – no objections subject to mitigation / enhancement measures to be incorporated  
K.C. Public Rights of Way - comments awaited on revised proposals  
K.C Landscape – support in principle  
West Yorkshire Police Liaison Officer – no objections subject to conditions  
Health & Safety Executive – advise to consult NGN  
Yorkshire Water - indicative proposals not acceptable  
Bradford Council DM Planning – comments awaited on revised associated highway works  
Northern Gas Networks - Any development in proximity to pipelines on site would be subject to certain conditions relating to easement distances and proximity distances, in addition there will be restrictions as to any changes to the cover that currently exists over the pipeline and access roads.  
Kirklees Public Health - recommendations to be incorporated into reserved matters/final layout to encourage health & well- being of future users of the site and surrounding areas

## **9.0 MAIN ISSUES**

- Background
- Principle of development
- Impact on the green belt & very special circumstances
- Urban Design issues(layout & plateau areas)
- Amenity issues (noise & air)
- Highway issues
- Ecology, Landscape &Tree issues
- Flood risk & drainage issues
- Ground conditions (contaminated land)
- Representations
- Other matters

## 10.0 APPRAISAL

### **Background:**

- 10.1 This site is a previously-developed and now a disused waste water treatment works, which currently lies in the Green Belt.
- 10.2 The area has not benefitted from new land allocations since the adoption of the Unitary Development Plan, which was adopted in 1999. This is a considerable period of time for a large part of the West Yorkshire conurbation to be constrained by a lack of suitable development sites.
- 10.3 The site is identified as a draft employment allocation (reference E1985a) in the "*Publication Draft Local Plan – Allocations and Designations*" DPD which has been the subject to Examination in Public during October 2017. The Publication Draft Local Plan – Strategy and Policies, identifies a requirement for 165ha of net additional employment land.
- 10.4 This application has been submitted prior to the formal allocation of the site in order to ensure that further growth, in line with the Kirklees and Leeds City Region Economic Plans, is not constrained by a lack of suitable property.
- 10.5 This application proposes a mixture of employment uses comprising of B1(c), B2 and B8, the assumed ratio of each use at this stage is based on the worst case scenario for trip generation. However, it is acknowledged the market would dictate the final mix of uses. The supporting information states the principal aim of this development is to provide new accommodation for the north Kirklees/South Bradford manufacturing arc, a collection of complementary engineering, manufacturing and design businesses with a strong reputation for delivering gears, valves, pumps, turbos, chemicals and textile products. It also responds to the wider employment market and lack of good-quality land supply.
- 10.6 The site has a number of constraints, including the existing waste water treatment works, pumping station, mine shafts and adits, power lines, a gas pipe and a requirement to safeguard land in the south of the site for an improvement to the M62/M606 junction.
- 10.7 The proposed scheme has also been subject to discussions with both Kirklees and Bradford Councils since 2014. This has involved ongoing liaison with Kirklees Council's Officers, the submission of representations to Kirklees Council's emerging Local Plan, pre-application discussions, meetings with key stakeholders and a public exhibition. Feedback received during the application determination period has been considered and has resulted in a reduction in the development area and the removal of residential development from the scheme.
- 10.8 The application is accompanied with details of the public exhibition carried out prior to the submission of the application set out in the Statement of Community Involvement.

### **Principle of development:**

- 10.9 The starting point for assessment is the National Planning Policy Framework (NPPF), in particular Section 9 entitled "Protecting Green Belt Land".

Paragraph 79 of the National Planning Policy Framework (2012) (NPPF) advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87 and 89 of the Framework include advice that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings should be considered inappropriate unless they fall within specific exceptions listed at paragraphs 89 and 90.

- 10.10 The NPPF also states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.11 Paragraph 173 of the NPPF refers to plan making, but offers important advice on the principles of considering viability. It notes that pursuing sustainable development requires careful attention to viability. It also notes that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 10.12 The Framework also clearly expects local authorities to adopt a positive and proactive attitude to decision-taking and foster delivery of sustainable development that delivers growth and improves economic, social and environmental outcomes. Authorities should pursue solutions with applicants and decision-takers (at all levels) should approve applications for sustainable development where they can.
- 10.13 The following paragraphs assess the proposals in light of the above followed by a summary of the matters raised by consultees to date.
- 10.14 **Impact on the green belt & very special circumstances (VSC):**
- 10.15 Other than the exception of two buildings the site consist mainly of low level development in the form of hard standings and water tanks below ground level which is concentrated mainly to the east and south areas within the application site with the remainder of the site undeveloped. The supporting information states the site is previously developed and already compromises the extent to which its green belt purposes are fulfilled and as such the harm from the proposals will be limited.
- 10.16 The proposals are shown to provide up to 35,284m<sup>2</sup> of employment use on 7.08ha not including the car park area submitted to Bradford Council. Whilst, the proposals are submitted in outline, the accompanying information sets out the maximum scale and height (18m) of the buildings for the employment uses. Thus the proposals are considered would have a greater impact on the openness of the green belt and the purposes of including land within it than the existing low level development. Furthermore, developing on the greenfield part of the site would result in further encroachment beyond the limits of the brownfield part of the site. The applicant does not dispute this and states the

proposals have been considered against the purpose of including land within the green belt as set out in paragraph 80 of the NPPF.

- 10.17 Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
- 10.18 The site lies in an area washed over by green belt and whilst it is acknowledged that there is development on the west of Bradford Road, the site is detached from any settlement. The brownfield part of the site has been put forward for consideration as an employment site on the emerging deposited Local Plan. This does not include the greenfield part of the site and as such it would be contrary to the purposes of including land in the green belt. As noted above the Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 10.19 Having reviewed Bradford Council's proposals maps an area immediately beyond the green field part of the application site adjoining the boundary with Kirklees is retained as green belt. The distance from the Bradford boundary to the Kirklees local plan employment allocation is approximately 474m. This distance would be reduced to approximately 219m to the nearest block (based on the indicative layout submitted). Developing the greenfield part of the site would see the current separation distance between the two neighbouring towns of Oakenshaw and Cleckheaton being reduced (albeit noticeably less than the original proposal which included dwellings being located closer still to the site boundary than the revised plans). It is recognised the harm to this purpose would be limited due to the brownfield portion of the site. Nevertheless the resultant impact would come from developing a portion of the greenfield part of the site and result in a further loss of the countryside which does result in some unrestricted sprawl and narrowing the gap of built up areas.
- 10.20 The applicant's case for VSC to justify the above identified harm is based on the need for more employment land in the interim period prior to the adoption of the PDLP to encourage economic activity in the area.
- 10.21 Firstly with regards to employment land, the supporting information states the current UDP was adopted in 1999 and provided land allocations for the period April 1993 to April 2006. It goes on to state, to present day there has been no new employment land allocated for 23 years and as such the employment land supply in Kirklees is limited and unlikely to be suitable to meet the requirements of modern businesses as it was not intended to meet the needs from 2006 onwards. This view is consistent with the Council's own evidence where a critique of the current employment land supply has been undertaken to inform the emerging Kirklees Local Plan. The key findings from this assessment has been set out in the 'Kirklees Local Plan Employment Technical Paper' paragraphs 7.1- 7.8.

- 10.22 In view of this, the supporting information makes reference to the Kirklees Economic Strategy (KES) which aims to make Kirklees the heart of a growing manufacturing and engineering cluster, to enable the creation of employment and see this sector grow at twice the rate of the wider economy. The information recognises that the KES notes that the engineering and manufacturing sectors are also pronounced in neighbouring Bradford and Calderdale and that the sector locally is a priority for the Leeds City Region.
- 10.23 Officers agree that new strategic employment sites are needed to increase the volume of land available for employment and to meet key business sectors, particularly of this scale as set out in the KES. To clarify the brownfield part of the site would support the economic objectives by providing land in a strategic important location which is of sufficient size to support the needs of larger businesses. However, in light of the identified constraints, the redevelopment of this brownfield site has resulted in a challenging viability equation. Officers are of the opinion and acknowledge the high abnormal costs must be balanced with adequate returns in accordance with paragraph 173 of the NPPF. The National Planning Practice Guidance advises decision must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth.
- 10.24 The proposals to provide employment use on this site with good accessibility to transport would be seen as a positive step towards opportunities for new investment and employment in the district.
- 10.25 Turning to the need for developing the greenfield part of the site, the fundamental reason for proposing development on this part of the site is stated to enable a viable scheme enable the redevelopment of this brownfield site which has a number of identified constraints.
- 10.26 The applicant states in total of 14 development options have been considered to find a viable scheme. The scheme before Members has been revised omitting the 101 dwellings which were previously proposed on the greenfield part of the site to the north west. The proposals were accompanied with a viability appraisal which stated that the proposed employment uses of the site can only be viably developed if the local planning authority allows enabling development in the form of 101 residential units.
- 10.27 The viability appraisal accompanying the application was independently assessed on behalf of the Council. Basically, the original conclusion was such that a planning compliant scheme is not viable unless enabling development was permitted which would in this case need to be accommodated on a proportion of the greenfield part of the site. In view of this and a number of other environmental concerns for the future residents of the residential dwellings in close proximity to the motorways and industrial uses, the plans have been revised omitting all the residential dwellings and replacing this with industrial uses. Moreover, the intake of area of greenfield to be included in the redevelopment of this site has now been reduced to approximately half that previously shown for the residential dwellings.
- 10.28 In view of the above and comments from Members on 30<sup>th</sup> November a further viability appraisal was submitted based on the quantum of the commercial development only as proposed on the revised plans. The viability appraisal has been assessed independently on behalf of the council and demonstrates that the proposals with the amount of floor space proposed

alone for the site, does not make an excessive or windfall profit. In view of this Officers are of the opinion the revised proposals which includes an area beyond the brownfield part of the site would be commensurate with that required to enable the development of an employment only scheme and moreover would retain an adequate level of separation distance between Oakenshaw and circumvent coalescing with this neighbouring town.

10.29 Furthermore, it has been verified by the Council's independent assessor who states "the cumulative effect is that my planning compliant appraisal generates a viable scheme comprising 7 industrial units and producing a developers profit of 15% of Gross Development Cost". The valuer also advises that the profit level to be achieved is in accordance with the level of return one would normally expect to see from similar schemes and would not be excessive when accounting for the development risks associated with developing the site speculatively. This is considered to be at a level which should be able to attract a developer to consider the site. This is in accordance with both the NPPF and NPPG which encourages the effective use of brownfield land, having particular regards to viability to incentivise bringing brownfield sites back into use.

10.30 The following now considers the harm to the green belt for the purpose of including land within it as set out in paragraph 80 of the NPPF, in particular the four bullet points which are relevant.

- *Checking the unrestricted sprawl of large built-up areas*
- *Preventing neighbouring towns from merging*
- *Safeguarding the countryside from encroachment*

10.31 The site is well-contained with recognised potentially permanent long term boundary features to the east, south and west in the form of motorways and an area of woodland and a Site of Wildlife Significance to the east. This together with the topography limits the extent to which an extension of development could be viewed beyond these boundaries.

10.32 The proposals to develop the brownfield part of the site would undoubtedly result in a sprawl of a built up area thus reducing a strategic gap between the main urban areas of south Bradford and the north of Cleckheaton. However, due to it being largely brownfield land, the openness of the green belt is already compromised thus having the effect of decreasing this separation distance between main urban areas. Officers are of the opinion to confine the proposals to the proposed developable area is the minimal uptake of land required to ensure a policy compliant viable scheme. Importantly it is noted the uptake of land as proposed is also less than the amount of employment land expected to be delivered on this site by the emerging publication draft Local Plan.

10.33 Bradford DM Planners have been consulted, who advised given that the site straddles the border with Bradford Council, it would be appropriate for a suitable landscaping scheme to be incorporated to minimise the visual impact of the development on the green belt.

10.34 Further section drawings are received which demonstrates the proposed levels within the site and distances to be achieved. Section F-F demonstrates existing land levels to the northern part of the site to be retained, beyond the proposed developable areas. Whilst retention of higher land levels at this point would mitigate some of the impact from the proposed development, which would sit on lower ground, subsequent reserved matters applications would need to



include the provision of a landscaping scheme to be agreed on the edge of the developable area as shown on the submitted indicative plan. The applicant is agreeable to this

- 10.35 With regards to the countryside, again the proposals would compromise and result in the loss of some of the countryside. Accordingly, harm to the three purposes of including land in the greenbelt are however, already compromised due to the site being largely brownfield land.
- 10.36 Turning to the fifth relevant purpose (bullet point) of paragraph 80 which reads:
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 10.37 The assessment above clearly identifies the proposals will to some extent conflict with some of the purposes of including land in the Green Belt resulting in inappropriate development, which should not be approved except in Very Special Circumstances (VSC) as is set out in paragraphs 88 and 89 of the NPPF.
- 10.38 To summarise, Officers have given substantial weight to this harm and consider VSC exist which outweigh the identified harm. As discussed above, the VSC are the identified need for more strategic employment sites at the current time and the development of this largely brownfield site, which would assist in urban regeneration by encouraging the recycling of derelict land. Thus the proposals would provide social gain through the provision of additional employment, job creation bringing economic gains by providing business opportunities for contractors and local suppliers not only during the construction phase and on completion by creating additional demand for local services and potentially increasing use and viability of local services. Moreover the employment uses would create employment and support the needs of the KES in a location with good transport links and contribute to the building of a strong economy.
- 10.39 **Urban Design issues (layout & plateau areas):**
- 10.40 The application documents include an indicative site block plan which demonstrates how the site could be developed. Whilst, this layout is acceptable in principle, consideration would need to be given on any subsequent application to the scale, design and materials to ensure the proposed buildings do not significantly detract from the openness of the greenbelt to accord with Kirklees Unitary development plan Policies BE1 and BE2, policies PLP24 and PLP59 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

10.41 **Amenity issues (noise & air quality) :**

10.42 UDP Policy EP4 states that: “proposals for noise sensitive developments in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development.”

10.43 The NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...”

10.44 With regards to noise, Environmental Health Officers requested an updated noise report, specifying the measures to be taken to protect the occupants of nearby noise sensitive premises at 6 – 16 (even numbers) Cliff Hollins Lane and 561 – 591 (odd numbers) and 626 - 676 (even numbers) Bradford Road from noise from the proposed development.

10.45 The indicative site/block plan indicates approximately a distance of 190metres to be achieved between the existing residential dwellings to the north west of the site to the nearest proposed commercial unit (no.6). Whilst this is considered to be an acceptable distance from these residential properties, to further mitigate any potential noise concerns, Officers are of the opinion there is an opportunity to use the commercial unit closest to the existing residential properties at Cliff Hollins Lane as an acoustic barrier for the remainder of the site with the service yard and external plant areas to be sited away from the outer edge of the proposed developable area. To summarise on noise issues, Environmental Services consider the assessments in the additional reports in relation to:

- short term noise and vibration assessment from construction activities,
- Long term noise from site activities including vehicle movements reverse alarms,
- Long term noise from fixed plant,
- Long term noise from traffic movements on site,
- Short and Long term noise from traffic movements on the public
- Highway, and
- Long term noise from car parking at the school car park

are satisfactory subject to conditions which would include the submission of a Construction Environmental Management Plan and mitigation measures to be incorporated into the final detailed proposals of the site as set out in the response from Environmental Health Officers dated 26th January 2018. Subject to the suggested conditions the proposals would accord with UDP Policy EP4 and PLP52 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

10.46 With regards to air quality the Air Quality Assessment (AQA) Chapter of the accompanying Environmental Statement Addendum, determines the potential air quality impacts during the construction and operational phases of the proposed development. Specifically, these are the impacts of road traffic emissions of nitrogen dioxide and fine particulate matter, albeit consideration has also been given to dust impacts during the construction phase. The AQA

concluded that the background pollutant concentrations at the proposal site are well below the relevant annual mean objectives, and pollutant concentrations are predicted to decrease in the future due to anticipated improvements in vehicle technology regardless of whether the proposed development goes ahead or not.

10.47 The largest impacts due to the development have been predicted at receptors located on Bradford Road, near the junction with Mill Carr Hill Road and those on Cliff Hollins Lane, near to the site entrance. Environmental Health Officers on assessment of the amended Air Quality Impact Assessment confirm this now includes damage costs as previously requested. However it does not allocate these against any mitigation low emission projects to offset the impact from the development. In light of this the applicant is agreeable to accept a grampian worded condition which shall require the submission of low emission strategies to be submitted and approved, to the value of the identified damage costs of (£71, 370) to be incorporated into the proposals. Failing this, a contribution of the identified cost would need to be secured through a Section 106 as set out in the recommendation.

10.48 In addition to the above a separate condition will also be imposed requiring electric charging points within the car park areas to promote the use of electric vehicles and to ensure the cumulative impacts on air quality have been taken into account in accordance with the West Yorkshire Low Emissions Strategy and Policy PLP 24 of the Publication Draft Local Plan and paragraph 124 of the NPPF.

10.49 **Highway issues:**

10.50 Policies T10 and T19 of the Unitary Development Plan (UDP) sets out the matters relating to highway issues and parking standards against which new development will be assessed in terms of highway safety. Policy PLP 21 and 22 of the Publication Draft Local Plan endorses new development shall normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.

10.51 The following three paragraphs sets out a background and policy regarding provision of access at strategic road networks, provided by Highways England, to give some context of the policy requirements:

**Background**

Highways England, formerly the Highways Agency, is a strategic highway company appointed by the Secretary of State for Transport under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN) in England. The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

**Policy Regarding Provision of Access**

Policy regarding the provision of new accesses at the SRN is set out in the extant Department for Transport (DfT) Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development, and is maintained within

Highways England's draft emerging replacement document: The Strategic Road Network – Planning for the Future.

Within Circular 02/2013 paragraph 42 states that:

*Access to motorways and routes of near motorway standard for other types of development<sup>1</sup> will be limited to the use of existing junctions with all-purpose roads. Modifications to existing junctions will be agreed where these do not have an adverse impact on traffic flows and safety. In line with the standards contained in the Design Manual for Roads and Bridges, for safety and operational reasons, direct connections to slip roads and/or connector roads will not be permitted.*

10.52 With reference to Members comments at the committee meeting on 8<sup>th</sup> February 2018, the following provides a summary of the alternative access points (options 2-4) and proposed means of access from the site via Cliff Hollins Lane onto Mill Carr Hill Road (option 1) considered by the applicant. Highways England's comments to these alternative points is included in the responses, which is consistent with highway officers/engineer's opinion from both authorities.

**Option 1** – Proposed means of access via Mill Carr Hill Road & Bradford Road. The applicant states “based on the above review of all potential access options, the only suitable and viable means of access is considered to be via Mill Carr Hill Road and Bradford Road. In addition, through the Local Plan process, Kirklees Council has undertaken a similar review of access options and came to the same conclusion. Suitable mitigation has been identified and agreed with both Kirklees MC and Bradford MDC, to ensure that the access arrangements do not adversely impact on the safe and free flow of traffic”.

**Response:** Officers concur with the above statement.

**Option 2-** Access from the M606 via a new junction onto the motorway. Any access into the site from the M606 would require a new junction onto the motorway and, as set out in Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development', this would not accord with the relevant standards and / or policy. Paragraphs 37 to 44 of Circular 02/2013 states that:

- The creation of new accesses impacts upon the ability of the strategic road network to fulfil its role;
- New accesses lead to more weaving and turning manoeuvres which in turn lead to additional risk to safety;
- Proposals for new junctions may only be identified through the Plan making stage, where it can be demonstrated that it is essential of the delivery of strategic planned growth. In this instances, no additional access has been identified at the Local Plan stage and therefore this is not applicable;
- Where the above test cannot be met there will be no additional junctions other than for roadside facilities;
- Access to motorways for other types of development is limited to the use of existing junctions with all-purpose roads;

Therefore no access to the site could be achieved directly from the M606.

**Highways England's response:**

The AECOM note's identification that "no access to the site could be achieved directly from the M606" in response to Option 2 is accurate. Equally, the AECOM note's identification that "due to technical and policy reasons an access cannot be gained onto the M62 Junction 26 circulatory carriageway" regarding Option 4, is also accurate.

**Option 3-** Access from Bradford Road via a new bridge across the M606  
Any access from Bradford Road would require a new bridge across the M606. This has been previously considered and rejected for the following reasons:

- Given the current levels of Bradford Road (113m), the M606 (106m) and the site itself (97m), a new bridge would be imposing structure and at a level of approximately 112m as it crosses the M606. It would be at a similar level to the existing properties situated around St Andrews Crescent.
- Such a structure would have a significant environmental and visual impact over a wide area.
- As a result of the level differences, the access road from the bridge over the M606 in to the site would have to be elongated in order to provide the required gradient. This would have a significant impact of the available developable area within the site.
- Such an access option would then be prohibitively expensive, require third party land, and therefore likely to render the site unviable.

Based on the above, this access option has been rejected

**Highways England's response:**

Access from Bradford Road via a new bridge across the M606, in addition to the viability issues identified with this option by AECOM, Highways England would resist such a provision due to maintenance and liability.

**Option 4:** An access directly to and from the circulatory roundabout at junction 27 of the M62 (Chain Bar) is not considered possible for the following reasons:

- Firstly, and most importantly, there is insufficient room to form a new junction between the M606 southbound sliproad and the sliproad up to the M62 eastbound.
- A priority access in this position would have to cross the free flow left turn between the M606 and the M62 eastbound which, due to the high speed nature of the traffic, would result in significant road safety issues as relatively slow moving traffic from the site attempted to cross high speed traffic in free flow traveling between two motorways.
- In order to allow access to and from the site, the traffic island between the free flow left turn and the main circulatory carriageway would need to be removed. This would then result in a safety issue between relatively controlled traffic on the roundabout and free flow traffic on the left turn. Any removal of the existing segregation island in order to form a new access would not conform to the required design standards, and as such a priority access could not be achieved in this location.
- For a number of technical and policy reasons, traffic signals, which would be the preferred form of access control, could not be provided at this location.

In addition to the numerous technical reasons why an access could not be gained directly onto the Chain Bar roundabout, there would also be a policy objection from Highways England (see below).

**Highways England's response:**

The indicative layouts are shown on the appended Former North Bierley Waste Water Treatment Works – Highway Design Options. It should be noted that the layout for Option 4 actually represents an access from and to the free-flow left-turn provision between the M606 southbound and M62 eastbound slip-roads, rather than access onto the circulating carriageway of the M62 Junction 27 Chain Bar roundabout.

With reference to the policy outlines above, Option 2 and Option 4 would not be permitted by Highways England as they represent a new junction with a motorway and access from a slip-road, respectively, irrespective of other matters, such as compliance with design standards and / or capacity and safety. Access Option 2, 3 and 4 would prove unacceptable to Highways England for the reasons set out above.

10.53 Now turning to the matters Members raised on 30<sup>th</sup> November, this was for a review and further consideration be given to all the proposed associated highway works, prior to the application being brought back to committee. Consequently, meetings were held between representatives of the applicant along with both Kirklees and Bradford Highway officers/engineers. This has resulted in revised highway proposals at two of the junctions. The following sets out the original highway proposals and the revised proposals including those submitted separately to the neighbouring authority.

1. **Mill Carr Hill Road / Bradford Road Junctions.** A pedestrian crossing was proposed on Bradford Road with minor road widening.

It was proposed to provide a pedestrian crossing on Bradford Road to the north of Mill Carr Hill Road. This crossing was not considered necessary given that there is an existing pedestrian crossing in the vicinity of the Bradford Road / Wyke Lane junction and it would be sited in front of residential property on Bradford Road where the footways are narrow and there is an adjacent vehicular access.

It is now proposed to provide a road widening scheme to allow a left and right turning lane at the junction. A pedestrian island is shown to be provided as part of this scheme to improve pedestrian access to and from the School. This is shown on AECOM drawing 60345322-P-003 Rev D, received 31<sup>st</sup> January 2018 along with the existing 7.5 tonne limit on Mill Carr Hill Road.

These proposals are considered acceptable in principle to highways subject to the completion works in accordance with the combined Road Safety Audit dated January 2018 provided by AECOM and designer's response dated 1<sup>st</sup> February 2018.

2. **Cliff Hollins Lane / Mill Carr Hill Road Junctions.**

Following discussions with Bradford this requirement has been reviewed and a change in road priority at this junction with a new gateway feature on Mill Carr Hill Road is preferred to the roundabout. This has been shown indicatively on plan number 60345322-SKE-001.

Bradford Council has confirmed the details shown on plan Ref: 60345322-SKE-001 are acceptable as an indicative drawing for the change in priority at the junction of Mill Carr Hill Road and Cliff Hollins Lane. Notwithstanding this the associated highway works would need to be worked up in more detail when the s278 Agreement is being completed.

**3. Site Access.** The re-alignment of Cliff Hollins Lane

As part of the development proposals, it is proposed to amend the priority of Cliff Hollins Lane at the site access so that the development traffic has right of way and the continuation of Cliff Hollins Lane towards East Bierley then gives way. This is shown indicatively on plan no. 60345322-001

This arrangement is agreed by highway officers of both authorities given that the levels of development traffic will be greater than those travelling along Cliff Hollins Lane, and by changing the priority it makes it much less likely that any development traffic, particularly HGVs' would miss the site access and continue north along an unsuitable road

**4. Mill Carr Hill Road.** The proposed new car park for the Woodlands Primary School with a zebra crossing and footway improvements as shown indicatively on plan number 60221630-M003-P-004 rev A, are under consideration by Bradford Council. It is important to note whilst this would be a desirable provision for the school, this facility is not necessarily required for the delivery of the proposed commercial development on the application site.

**5. Bradford Road approach to Bradford Arm of M62 junction 26 roundabout (Chain Bar Roundabout).** These works include widening of the approached to the roundabout to create 3 lanes. These works are shown on plan number 60221630 rev 5.

These works are considered acceptable to Highways England subject to the completion of works set out in the safety audits/designers response and conditions.

6. In addition two 7.5 tonne lorry bans are proposed to Cliff Hollins Lane and Wyke Lane to prevent HGVs from the site using unsuitable roads.

**West Yorkshire Combined Authority comments:**

The main bus service that is accessible on Bradford Road is the Arriva MAX 268 / 268a service. This service provides a 10 minute frequency service between Bradford and Dewsbury with every other bus continuing through to Wakefield. The closest bus stops (reference 14572, 14567) both have shelters.

As part of this scheme, Real Time Passenger Information displays could be provided at these stops (£10,000 per stop) to improve the public transport offer. This will be secured through a S106 agreement as set out in the recommendation

10.54 The Transport Assessment is based on the assumption that the overall floor space would include 75.8% of B2 use (worst case scenario, for trip generation). Therefore, in the interests of highway safety it is considered necessary and reasonable to impose a condition to restrict the floor space so it does not exceed this without further consideration of a transport assessment.

10.55 In light of the above assessment, Officers are of the opinion the indicative associated proposed highway works are acceptable in principle. The proposals would need to be worked up in more detail under a s278 Agreement. The off-site associated highway works would be secured through a S106 agreement, to be signed by all interested parties. Subject to the completion all works being carried out on completion of an approved s278 agreement works, the submitted Road Safety Audit and Designers response (to be conditioned), it is considered the proposals would be served adequately by the local highway network and accord with Policies PLP 21 and 22 of the Publication Draft Local Plan and Policy T10 of the UDP.

10.56 **Ecology, Landscape & Trees issues:**

10.57 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity”. These include the conservation and enhancement of biodiversity in and around developments.

10.58 Also of relevance is UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in paragraph 118 of the NPPF. Publication Draft Local Plan Policy PLP 33 states permission will not be granted which directly or indirectly threaten trees or woodland of significant amenity.

10.59 The most significant tree related constraint to the site comes from the adjacent ancient woodland beyond the eastern boundary. It is acknowledged this area is also identified as a local wildlife site on the Publication Draft Local Plan. Whilst the Council's Arboricultural Officer raise no objections in principle, it is advised any future applications be accompanied with a tree survey and Arboricultural Method Statement, in accordance with BS5837 in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland.

10.60 Furthermore, the submitted indicative proposals give provision for a buffer of approximately 10m from the adjacent ancient woodland, Hanging Wood. However as the guidelines from Natural England are 15m standoff to all ancient woodlands the tree survey and method statement would need to address how the woodland can be protected both during construction and following completion on future reserved matters applications.

10.61 Turning to ecological and biodiversity interests, the Biodiversity Officer on assessment of the ecology information raises no objection to the proposals subject to suitable mitigation/enhancements measures and the recommendations of the ecological chapter of the submitted Environmental Appraisal being carried out and incorporated in to future redevelopment of this site.

10.62 With regards to the landscape, firstly the spaces around the employment areas have not been designed as a ‘green streets’ accessible setting for those working here or exercising at lunch times or break times. There is an opportunity to make this a high class well designed employment site with consideration of its workforce with opportunities for accessible greenspace for all. Health and well-being should be a prime consideration in these times and



having green space close by should be at the minimum accessible. This is also reiterated in the recommendations suggested by Public Health Officers in accordance with the objectives of the Kirklees Economic Strategy (KES) and the Kirklees Joint Health and Wellbeing Strategy documents (JHWS). The documents associated with this planning application refer to the KES, but there is no mention as to how it will contribute to the aims and objectives within the JHWS. This needs to be included in future proposals at reserved matters stage.

- 10.63 Turning to the outer edges of the site it is currently intermittently screened from the adjacent roads with the existence of mature trees and undulating land levels. Further native planting along the outer boundaries together with the enhancement and management of the existing hedgerow could support and strengthen this green corridor. Moreover, well designed and effective mitigative planting is important and high quality well placed naturalised planting throughout the site would be advantageous to mitigate the impact on the greenbelt and act as noise barriers to neighbouring development. Again this would need to form part of the landscape details on future submissions.
- 10.64 The supporting information recognises that there will be an effect on the Green Belt as a result of the development and the character of the site will change. It also recognises the significant visual effects that will be caused to properties on the higher ground to the north of the development, as well as on local footpath users. In view of this, mitigation measures are intended to be proposed that seek to address the effects set out above. These will be set out in the landscape masterplan which is intended to reflect the field patterns of the adjacent landscape and use topography, woodland blocks, hedgerows and trees to aid screening to break up the massing of the development. The mitigation measures will also act as an aid to reduce the effects on nearby residential receptors.
- 10.65 To summarise any future layout of the site should be designed to incorporate a sensitive landscaping scheme and the above suggested measures to and to provide green streets and areas accessible for future users of the site and its surroundings, to accord with Policies PLP2, PLP3, PLP24, PLP31, PLP32, PLP33 and PLP34 of the Publication Draft Local Plan and Policies BE1, BE2 and EP11 of the UDP and guidance within the NPPF.
- 10.66 **Flood risk & Drainage issues:**
- 10.67 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account.
- 10.68 The application site is situated across Flood Zones 1, 2 and 3, although the majority of the developable area lies in Zone 1, with just a small area in the south eastern corner currently occupied by the WWTW filter tanks is identified as Flood Zone 2 and 3. The proposals are proposed to incorporate new site drainage on two separate systems and surface water will be restricted to greenfield run-off rates and incorporate sustainable drainage systems (SuDs). It is stated the proposed foul water drainage arrangements will be adopted by Yorkshire Water.
- 10.69 The Flood Risk Assessment and Drainage Strategy provided with the application provides an assessment of the likely significant effects of the

proposed development on flood risk and drainage issues internally within the site and its surroundings.

10.70 Consultations have been carried out with the Environment Agency, Yorkshire Water and the Councils Lead Local Flood Authority (LLFA). In principle, no objections are raised subject to the development being carried out in accordance with the recommendations set out in the accompanying Flood Risk Assessment, all the proposed mitigation measures being incorporated into the development and recommended conditions by these consultees. The Councils LLFA also advises that all commercial buildings and their servicing access roads be located outside of the 100 year flood outlines determined by the FRC model in the supporting information to accord with Policies BE1 and guidance in the NPPF.

10.71 To conclude Officers are satisfied, flood risk and drainage matters can be addressed through the imposition of appropriate conditions in accordance with guidance within the NPPF and Policies PLP28 and PLP29 of the Publication Draft Local Plan

10.72 **Ground conditions (contaminated land):**

10.73 The Ground Conditions Chapter and associated technical reports within the accompanying ESA assesses the subsurface ground conditions beneath the application site that may potentially impact upon and be impacted by, the proposed development. This includes an assessment of general ground conditions, the presence of contamination and the possibility of mining instability.

10.74 Parts of the development site are shown as being on land that that is potentially contaminated land due to its former use.

10.75 On assessment of the submitted Phase 1 and Phase 2 contaminated land reports received in November 2017, the Environmental Health Officers advice:

Phase 1 Environmental Site Assessment report by URS Corporation Ltd dated November 2006 (ref: 44320048) report identifies the former uses of the site including coal and iron pits with mine entries on site, also a tramway as well as the various developments associated with the former waste water treatment works. The report considers that there is likely to be made ground across the site associated with the previous development and levelling of the site and that the site could be potentially contaminated or grossly contaminated by that past use. The potential risk to the nearby Hunsworth Beck is also noted. The report recommends progressing to a Phase 2 intrusive survey including ground gas monitoring. Even though the report is 11 years old Environmental Health officers consider that the recommendations would be the same if more up to date information was also included. Therefore the report is a satisfactory Phase 1 Contaminated Land Reports and its recommendations are agreed with.

10.76 A Phase 2 contaminated land report has also been received and considered by Environmental Health officers. Environmental Health officer's response relates to the contaminated land aspects of the report who confirm the report is satisfactory and the recommendations set out in the report are agreed with. In view of this, other than a condition dealing with unexpected contamination that may be encountered during the construction of the development,

Environmental Health Officers advise no further site investigations or remediation work is recommended for the proposed development.

10.77 The Coal Authority concurs with the recommendations of the Environmental Statement (July 2016, prepared by Turley); that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends a number of conditions to address potential risk as set out in their consultation response dated 16<sup>th</sup> November 2017. Subject to the above, Officers are satisfied that contaminated land issues could be satisfactorily addressed for the proposed development on this site in accordance with guidance in the NPPF and Policies PLP52 and PLP53 of the Publication Draft Local Plan and Policy G6 of the UDP.

10.78 **Representations:**

10.79 The preceding paragraphs address some of the concerns received. In so far as where they have not been addressed, these are set out below:

- Highway safety concerns on pedestrians and other users of highways from intensified use by heavy good industrial traffic
- The entrance onto Chain Bar from Bradford road is the only one which isn't regulated by traffic lights additional traffic would add to existing highway concerns at this point.
- New road junction close to Woodlands First School would raise highway safety concerns
- New zebra crossing too close to a blind spot

**Response:** all associated revised highway works (omitting previously proposed roundabout) have been considered by Highway engineers/officers of both Kirklees and Bradford Council. In addition Highways England have been consulted on the Chain bar improvement works to introduce an additional lane link to the roundabout. In principle the proposed highway works are acceptable and it is considered they would not adversely impact on the strategic or local road networks.

- Is the area at junction of Bradford Road/Mill Carr Hill Road adopted by the school to put their Christmas tree and where a bench has been provided by BASF for the elderly to use and the general area, to be removed to accommodate the proposals?

**Response:** This area is identified as council owned land, which is considered necessary for the road improvements. It may be possible to relocate the bench and identify another area for the siting of the Christmas tree.

- Viability assessment not available for public viewing

**Response:** This is a private confidential document which contains sensitive commercial information which is not available for public viewing.

- Additional sections do not clearly indicate height of proposed unit nearest to northern boundary/properties on Cliff Hollins Lane

**Response:** noted. The application is an Outline with all matters reserved therefore this matter would be considered at Reserved Matters stage however the Environmental Statement has set out the maximum height of any buildings

would not exceed 18 metres. However the final decision on building heights would be for the Reserved Matters stage. This matter is addressed in assessment of committee report

- Who would have responsibility of for ensuring the entrance to the proposed car park is safely maintained
- Insufficient information (drainage details) on car park proposals

**Response:** the car park proposals are submitted to Bradford Council who will be the authority considering all associated works in relation to the car park proposals including the issue of who would be responsible for the maintenance of the entrance to the car park.

- No documentation presented in respect of the conflict of junction plans of the Oak Mills development at the proposed T-junction

**Response:** noted.

- Proposals would risk the long term viability and continued operations of nearby riding school and livery stables

**Response:** there is no evidence to substantiate this statement and the distance from the site of approximately 1 mile combined with a restriction on HGVs travelling up Cliff Hollins Lane is considered sufficient protection.

#### 10.80 **Other matters:**

The site is accessible given its proximity to the motorway network. The West Yorkshire Police Liaison Officer raises no objection in principle but suggests number of recommendations taking into account the Secured by Design guidance to promote good security measures to minimise the risk of crime and meet with the specific needs of the site and its end users and to accord with Policy BE23 of the UDP, Policy PLP of the Publication Draft Local Plan and guidance within the NPPF.

- 10.81 The applicant submitted a viability appraisal which has been assessed by one of the council's independent viability advisors. These details contain commercially sensitive information that were included within a private appendix for committee members prior to the 8<sup>th</sup> February Strategic Planning Committee that was exempt from public view. When the application was presented to committee as a position statement Members also requested predictive levels of investments along with information on the over spillage of the existing water tanks. With regards to employment/ investment forecasts, the following information was received:

*The Proposed Development will have the following effects during the construction and operational phases:*

#### **Construction Phase**

• *Directly support 125 FTE gross construction jobs on site per annum over the construction period, of which 84 FTE could be supported within the local area.*

• *Generate an additional £7.3 million in GVA for the wider economy for each year of construction.*

#### **Operational Phase**

• *Support a total of 388FTE jobs in the local area, and a total of 770 net additional FTE jobs across the wider impact area once leakage and multipliers are included.*

• *Generate £32.8 million in GVA annually in the wider impact area, of which £15.9 million GVA could be supported in the local impact area.*

• *Generate circa £590,000 business rate revenue per annum could be retained by Kirklees Council*

10.82 Turning to the overflow/spillage of existing water tanks the applicant at the last committee stated, to date there has no incidents. In any case there would need to be significant sustained period of rainfall to fill these large scale tanks, which if they did there is unlikely to be any material harm.

## **11.0 CONCLUSION:**

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.

11.2 Subject to conditions, the revised plans/details address the highway, greenbelt and air quality issues previously raised. In addition, in view of the identified constraints, the redevelopment of this brownfield site has resulted in a challenging viability equation. The revised proposals would, in the opinion of officers, enable the development of a viable employment only scheme being brought forward whilst retaining an adequate level of separation distance between Oakenshaw and Cleckheaton.

11.3 To conclude, the proposals would not only assist in regeneration of a long standing derelict site but also provide social gain through the provision of additional employment, job creation with good transport links. Additionally the proposed development will bring economic gains, during the construction phase and on completion by creating additional demand for local services and contribute towards building a strong economy.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Approval of access, layout, scale, appearance, and the landscaping of the site reserved matters (standard O/L condition)

2. Plans and particulars of the reserved matters (standard O/L condition)

3. Application for approval of the reserved matters (standard O/L condition)

4. The timeframe for implementation of the development (Standard O/L condition)

5. Appropriate mitigation and enhancement measures as advised by the Biodiversity Officer

6. A lighting design strategy for biodiversity, for the whole development

7. Yorkshire Water conditions

8. Environment Agency conditions

9. Coal Authority conditions

10. Tree survey and Arboricultural Method Statement, in accordance with BS5837, in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland. This should demonstrate how the trees can be protected both during construction and following completion.

11. Details for the treatment and enhancement of existing Public right of way

12. Lead Local flood Authority conditions

13. Highways England conditions as set out in response dated 21<sup>st</sup> February 2018

14. Restrict overall floor space of proposals to not exceed 75.8% of B2 Use.

15. DM Highways Conditions to include details of:

Bradford Road/Chain Bar Roundabout for the provision of road widening to provide 3 lanes, new pedestrian footways

Mill Carr Hill Road/Bradford Road junction improvements for the widening of Mill Carr Hill Road to provide a right turn facility at the junction and new pedestrian footways,

Re-alignment of the Carr Hill Road/Cliff Hollins Lane junction to give priority to vehicles travelling towards Cliffe Hollins Lane and the development site and new pedestrian footways

Re-alignment of the Cliff Hollins Lane to give priority to vehicles travelling into development

7.5 tonne lorry bans to Wyke lane and Cliff Hollins Lane

**Background Papers:**

Application and history files as noted above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92298>

Certificate of Ownership – Notice B served on Mr M Pattinson & Leslie Stephen Driver

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 08-Mar-2018

**Subject: Planning Application 2017/94336 Part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas (Listed Building) Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD**

#### APPLICANT

R Cooke, Prospect  
Estates Ltd

#### DATE VALID

28-Dec-2017

#### TARGET DATE

29-Mar-2018

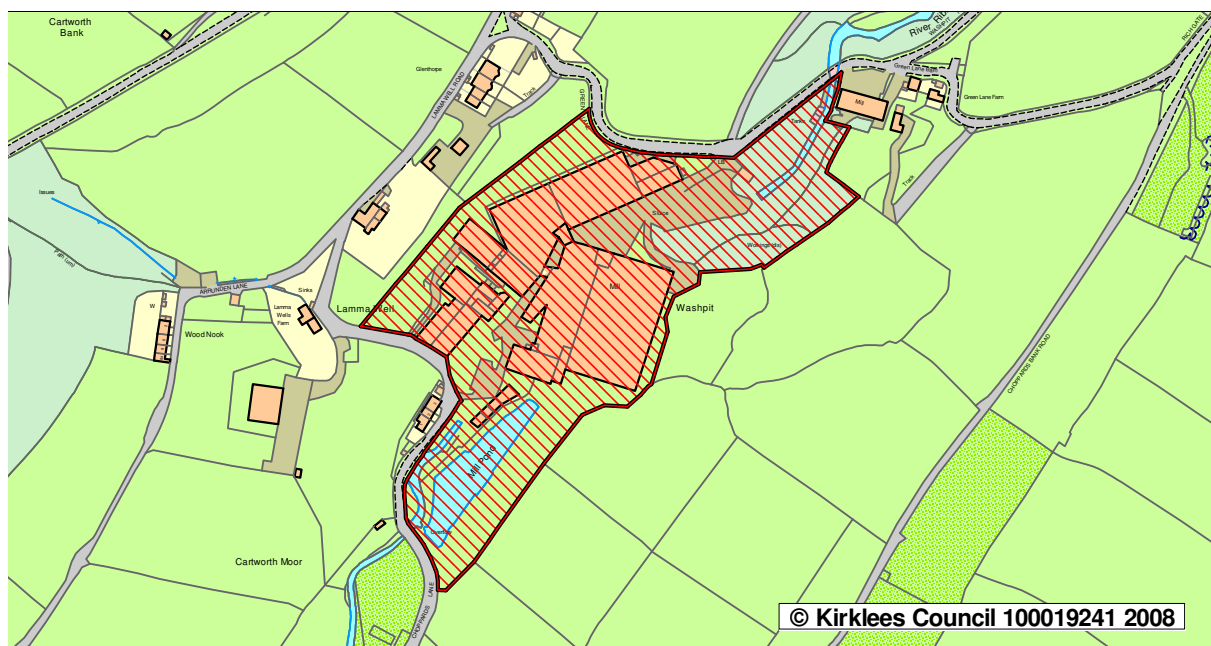
#### EXTENSION EXPIRY DATE

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



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**Electoral Wards Affected: Holme Valley South**

Yes

Ward Members consulted

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. £52,808 towards Education requirements arising from the development
2. Contribution towards Metro Cards (£10,000)
3. Detailed scheme for the provision of the POS and future maintenance and management responsibilities of the POS and other open space areas within the site
4. Future maintenance and management arrangements for the culverted watercourse and other surface water drainage infrastructure within the site and the mill pond

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**1.0 INTRODUCTION:**

- 1.1 The application is brought forward to the Strategic Committee because of the scale of the development, in accordance with the delegation agreement.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises of approximately 3.5 hectares of land located within the cleft of a steep sided valley with significant changes in levels across the site.
- 2.2 The site is a former textile mill which ceased operating in December 2015 and comprises a range of buildings and hardstanding areas. There is a mixture of building styles and scales on the site, including a grade II listed building, stone mill buildings and warehouse type buildings.
- 2.3 There is a culverted section of the River Ribble running through the site, a mill pond in the south west part of the site and an area of mature trees to the north east.



2.4 The site is bounded to the north by Green Lane which links to Washpit New Road. To the south is Choppards Lane. To the south east are fields which slope up the valley side to Choppards Bank Road. To the northwest are a variety of properties along Lamma Well Road with sloping fields beyond

2.5 The site lies within the Green Belt.

### **3.0 PROPOSAL:**

3.1 The application is for the part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas.

3.2 The proposals include a scheme to provide a footway along Washpit New Road between the site and Dunford Road.

### **4.0 RELEVANT PLANNING HISTORY:**

**2017/94337** Listed Building Consent for conversion of listed building to form private gymnasium and demolition of curtilage buildings – Linked Listed Building Consent application and reported elsewhere on this agenda

**2017/92061** Certificate of lawfulness for continuation of existing B2/B8 use with ancillary use – Certificate of Lawful Use Granted (relates to part of the application site only)

**2016/93428** Part demolition of existing mills and erection of 45 dwellings and 16 apartments. Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park. Conversion of mills to hotel and offices – Appeal against non-determination dismissed (further details contained within assessment)

**2016/93429** Listed Building Consent for extensions and alterations to form hotel and offices – Appeal against non-determination dismissed

Adjacent to the site:

**2017/93836** Prior approval for proposed change of use of offices to 11 apartments – Refused on the grounds of lack of any off-street parking combined with the substandard nature of the surrounding highway network for pedestrians to access public transport

### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 The application has been the subject of a formal pre-application enquiry which was reported to this committee on 11<sup>th</sup> January 2018.

5.2 In response to concerns raised over the loss of one of the mill buildings the applicant has amended the scheme to retain the mill building in question. The building would be used as storage in connection with the proposed business

within block E (The Carding Shed). As a result of this change the total number of dwellings has been reduced from 51 to 49.

## **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site lies within an area of designated Green Belt on the UDP Proposals Map. A small area in the middle of the site is identified as an archeological site.

### **6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

BE1 – Design principles  
BE2 – Quality of design  
BE11 – Materials  
BE9 – Archaeological value  
BE10 – Archaeological evaluation  
BE12 – Space about buildings  
BE23 – Crime prevention  
T1 – Transport strategy  
T10 – Highway safety  
T16 – Safe pedestrian routes in new developments  
T19 – Parking standards  
B1 – Employment needs of district  
B4 – Premises and sites with established use for business and industry  
H1 – Housing Needs of district  
H18 – Provision of open space  
G6 – Land contamination  
NE9 – Retention of mature trees  
EP4 – Development and noise  
EP11 – Landscaping and ecology  
S1 – Town Centres/Local Centres shopping

6.4 The site is allocated as Green Belt within the Draft Publication Local Plan.

6.5 Kirklees Publication Draft Local Plan Policies: Submitted for examination April 2017:

PLP1 Presumption in favour of sustainable development  
PLP3 Location of new development  
PLP7 Efficient and effective use of land and buildings  
PLP8 Safeguarding employment land and premises  
PLP10 Supporting the rural economy  
PLP13 Town centre uses  
PLP 20 Sustainable travel  
PLP21 Highway safety and access  
PLP22 Parking  
PLP23 Core walking and cycling network  
PLP24 Design  
PLP27 Flood Risk  
PLP28 Drainage  
PLP30 Bio diversity and geodiversity  
PLP32 Landscape  
PLP33 Trees  
PLP35 Historic Environment  
PLP51 Protection and improvement of air quality  
PLP52 Protection and improvement of environmental quality  
PLP 53 Contaminated and unstable land  
PLP63 New open space

6.6 National Planning Policies:

National Planning Policy Framework:-

Core planning Principles

NPPF Chapter 1 Building a strong, competitive economy  
NPPF Chapter 2 Ensuring the vitality of town centres  
NPPF Chapter 3 Supporting a prosperous rural economy  
NPPF Chapter 4 Promoting sustainable transport  
NPPF Chapter 6 Delivering a wide choice of high quality homes  
NPPF Chapter 7 Requiring good design  
NPPF Chapter 8 Promoting healthy communities  
NPPF Chapter 9 Protecting Green Belt land  
NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change  
NPPF Chapter 11 Conserving and enhancing the natural environment  
NPPF Chapter 12 Conserving and enhancing the historic environment

Supplementary Planning Guidance / Documents:

6.7 None

National Planning Guidance:

6.8 Planning Practice Guidance: Planning obligations

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Application advertised by site notices, neighbour notification letters and press advert. Final publicity date expired 16<sup>th</sup> February 2018.

7.2 Representations: 17 objections received along with a detailed petition signed by 59 local residents that was also sent to members of the committee.

7.3 A summary of the representations is provided as follows:

Highway matters:

- Development does not address Inspector's concerns
- Significant increase in traffic and impact on highway safety
- Wider road network already unable to cope with existing volume of traffic at busy times. Development will make this worse.
- Nature of surrounding road network not suitable to accommodate the additional traffic generated
- Development will increase traffic on Washpit New Road in the peak hours
- Development will generate trips far in excess of historic levels and scale of development needs to be reduced
- No modelling carried out for traffic generated by visitors to the café and shop
- Cumulative impact of this and other planned developments in this area.
- New footway inadequate and dangerous
- Washpit New Road and Green Lane not wide enough to accommodate a roadway and pavement as proposed.
- A low kerb to separate traffic and pedestrians insufficient to ensure pedestrian safety.
- Electric power poles along Washpit New Road will compromise the width of the new footway; this will affect wheelchair users and pushchairs.
- Alterations to Washpit New Road do not conform to guidelines; width of carriageway should be 5.5m with a 1.5m or 2m footway.
- Lack of safe passageway for pedestrians will mean higher car usage
- Proposed parking is inadequate, especially considering the size of the café and number of employees. On-street parking not possible in this location.
- Amount of parking for Blocks A and C inadequate
- Vehicle access points inadequate for the proposed increase in traffic
- HGVs use Washpit New Road
- Detrimental to highway safety including foot/cycle/horseback/mobility scooter users
- Carding Shed employees already parking on the road
- Local road network unsuitable to accommodate this type and scale of development
- Concerns with how children will get safely to and from school
- Sat navs will bring people via unsuitable routes
- HGVs get stuck on surrounding roads
- Instances of vehicles damaging walls and property because roads too narrow; these won't be recorded in the accident statistics.
- The road through the site needs to accommodate public use by walkers, cyclists and horse riders.
- Works to upgrade local PROW network should be provided
- Development may increase use of Dover Lane which is a private road

### Visual amenity:

- Height of Block A previously aligned with one of the mill buildings (Block D) that is now to be demolished. Height of Block A will have a significant impact on the overall impression of the site and detract from the setting of the listed building.
- Visual impact of parking
- Recent restoration work to Block E sub-standard; glass has not been replaced so offers no sound insulation

### Listed building (private gymnasium for residents):

- Building is too large to be solely used as a private gym and the conversion and operational costs associated with the proposed use would be commercially unsustainable/unviable.
- Concerns with the potential hours of operation and noise. The gym should be controlled so as to limit impacts.

### Amenity:

- The Carding Shed's own publicity suggests that evening events will take place; this is at odds with the hours of use indicated in the application. Hours should be controlled to those proposed. Concerns if evening events were to take place.
- Light pollution
- POS is a long way from the new housing. Recreational area adjacent to the mill pond unsuitable for children.
- Potential noise from the gym. Hours of use not stated.

### Drainage/flood risk:

- Question the integrity of the structures supporting the mill pond. Block M needs to be protected. Assessment of mill pond required.
- Mill pond is supplied by a culvert in adjacent land and this should be assessed as the continued supply of water to the pond relies on it.

### Ecology:

- Light pollution affecting wildlife

### General comments:

- Support the principle of redeveloping the site but concerns raised with the proposals.
- Overdevelopment of the site
- The ancillary uses within Block E would not fall within the established use, contrary to statement within the application.
- Café is not small or ancillary
- Proposals are vague and possibly misleading
- Carding Shed already trading from the site
- Local schools at capacity

**Holme Valley Parish Council** – “Support the application subject to satisfactory sight lines at Washpit New Road and Listed Building Officer being satisfied”.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**Environment Agency** – No objections on flood risk grounds. Records show an authorised landfill present on part of the site that is now closed.

**KC Flood Management & Drainage** – Support the application subject to conditions

**KC Highways** – No objections

### **8.2 Non-statutory:**

**KC Environmental Health** – No objection subject to conditions

**KC Ecology Unit** – No objections subject to conditions

**KC Trees Officer** – No objections

**KC Conservation & Design** – Particular concern raised with the loss of one of the listed curtilage buildings. This concern has been addressed through an amendment to the scheme which now retains this building. No objections to the conversion of the principal listed building.

**KC Landscaping section** – Development triggers requirement for POS and a LAP.

Details of hard and soft landscaping required as well as bin storage arrangements and location of grit bins. Recommend a condition for a detailed landscape plan and long term management.

**Yorkshire Water** – No objection subject to conditions

**KC School Organisation & Planning** – Contribution of £54,963 towards local school place provision required (based on 51 dwellings).

**Police Architectural Liaison Officer** – No objection subject to a condition requiring details of crime prevention and security measures to be incorporated into the development.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations

- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The application is for the part demolition of existing mill buildings and erection of residential development (49 dwellings) along with the conversion of a listed building to form a private gymnasium for residents and workers of the proposed development. The proposals also include the re-use and alteration of part of the existing mill to form a workshop, car storage, and associated ancillary facilities including café, shop and office space plus the formation of a car park.
- 10.2 The proposal is a revision of a mixed use scheme that was refused by the Planning Inspectorate in September 2017 following an appeal against non-determination (application 2016/93428). A comparison of the main differences between this previous application and the current application is provided in the table below.

<b>Feature</b>	<b>Previous Application (2016/93428)</b>	<b>Current Application (2017/94336)</b>
Residential development	61 units (comprising 45 houses and 16 apartments)	49 units (exclusively houses)
The Carding Shed business (Block E)	Workshop, car storage, retail and ancillary office space (restaurant and function suite removed at appeal stage)	Workshop, car storage, and associated ancillary facilities including café, shop and office. Additional storage provided within Block D.
Listed building (Block L)	Hotel with ancillary gym/spa and conference room. Building to be extended.	Private gymnasium for residents and workers of the Washpit Mills site. No extension to the building.
Block M	Offices	Residential (4 townhouses)
Works to Washpit New Road	£50,000 contribution towards a scheme to provide a delineated pedestrian walkway between the site and Dunford Road	Applicant to provide a footway between the site and Dunford Road. Footway to be delivered via s.278 agreement.
Parking spaces	241	235

- 10.3 In dismissing the appeal on application 2016/93428 the Inspector identified the main issues to be:

- the effect of the proposal on the safe and efficient operation of the highway;
- the availability of alternative modes of transport; and

- whether the proposal would preserve a Grade II listed building, Washpit Mill, and any of the features of special architectural or historic interest that it possesses.
- 10.4 The appeal decision is a highly significant material consideration in the determination of the current application.
- 10.5 The current proposal seeks to address the main issues as set out within the appeal decision. The proposal is for a lesser quantum of development; the total number of residential units has been reduced from 61 to 49 and a hotel and stand-alone offices have been omitted. The proposals include details of a scheme for the provision of a footway along Washpit New Road and the application is supported by new Transport Assessment.
- 10.6 A certificate of lawfulness (Ref: 2017/CL/92061/W) issued last year establishes a general industrial use (Class B2) and a storage/distribution use (Class B8) for the majority of the floorspace in one of the retained industrial buildings (Block E). This building would accommodate the proposed workshop and car storage and both of these uses would fall within the established use of the building. The appeal inspector commented that the other buildings on the site, whilst vacant, also benefit from an established general industrial use (Class B2).

#### Green Belt considerations

- 10.7 The site lies within a designated Green Belt. It was accepted that the previous scheme would not amount to inappropriate development in the Green Belt, affect its purposes or significantly reduce openness. This is because the proposal related to the redevelopment of previously developed land which would not have a greater impact on openness or the purposes for including land within the Green Belt.
- 10.8 The amount of new and retained development across the previous and current schemes is comparable in terms of built form and massing. The main difference is that the current proposal does not include an extension to the listed building unlike the previous application.
- 10.9 Given the similarities between the previous and current schemes it is considered that the development is acceptable with regards to Green Belt considerations and the application accords with chapter 9 of the NPPF.

#### Highway safety:

- 10.10 Under the previous application the Inspector held that, notwithstanding the established industrial use of the site, there would be an increase in traffic movements on Washpit New Road (which was generally accepted as the main route to the site) with resultant impacts on the wider road network. There was uncertainty as to the degree to which this increase in movement would lead to a severe, cumulative impact on the wider road network because there had been no direct quantification of the effect of the predicted movements on existing road conditions at key locations where congestion occurs.
- 10.11 The applicant has submitted a Transport Assessment (TA) dated December 2017 and a Framework Travel Plan dated 22<sup>nd</sup> December 2016. The TA was



prepared on the basis of the 51 dwelling scheme which has subsequently been reduced to 49 during the course of the application.

- 10.12 The amended scheme is for 49 dwellings and approximately 5,200m<sup>2</sup> of non-residential floor space. The amended scheme represents a reduction of two dwellings and an increase in the non-residential floor space of approximately 1,300m<sup>2</sup>. This increase in non-residential floorspace is because of the retention of an existing mill building (Block D) which would be used as storage in connection with the proposed Block E uses (The Carding Shed).
- 10.13 Trip generation estimates for the proposed development have been produced from TRICS 85<sup>th</sup> percentile trip rates for the residential element and from actual data associated with the workshop, car storage and associated ancillary facilities based on the operation of the IK Classics operation at their former Dobroyd Mill site in Hepworth.
- 10.14 The staffing of the IK Classics operation is explained in the TA and comprises 10 staff at the car storage and restoration business and 9 staff at the café during weekdays. At the weekend, there are no staff at the storage and restoration business and 15 staff at the café. In terms of visitors, the workshop can accommodate a maximum of 20 visitors at any one time by prior arrangement. The café expects 100 customers on a high season weekday with a maximum of 60 covers occupied at any one time and 300 customers on a high season weekend day with a maximum of 100 covers occupied at any one time.
- 10.15 As set out in the TA the opening hours of the IK Classics operation is 08:30 to 17:00 for the workshop and car storage element on weekdays only. The café opening hours are 10:00 to 16:00 on weekdays and 09:30 to 16:30 on weekends. This is the basis upon which Highways Development Management have assessed this application.
- 10.16 Highways Development Management have interpreted the information provided to estimate the hour by hour two-way generation that can reasonably be expected from this development proposal as follows:

Weekday and Weekend Vehicle Trip Estimate:

Hour Beginning	Two-Way Vehicles - Weekday	Two-Way Vehicles – Weekend day
07:00	19	10
08:00	48	12
09:00	8	26
10:00	9	39
11:00	17	48
12:00	25	58
13:00	29	50
14:00	29	50
15:00	25	45
16:00	30	47
17:00	53	10

- 10.17 The assignment of development trips to the network is limited and it is expected the vast majority of trips will utilise Washpit New Road to enter and exit the site. Reference has however been made in the TA to the location of schools and the routes that would most likely be used to access these schools. It is estimated that there would be 3 school based trips on Lama Well Road / Cartworth Road

to access Holmfirth Junior, Infants and Nursery School and 3 school based trips on Choppards Bank / Cote Lane to access Hade Edge Junior School.

- 10.18 Although there is dispute about the potential level of generation that could result from the re-use of the existing buildings on the site without any need for planning permission, it is reasonable to make some allowance. The reasonably modest traffic generation levels estimated for the proposed development could therefore be largely off-set against uses that could occupy the existing buildings. The nature of the trips could however be different with employment uses generating mainly inbound trips in the AM peak and outbound trips in the PM peak. The type of some vehicles could also be more commercial in nature.
- 10.19 To provide a sound baseline, network traffic counts were undertaken at the following locations:
- Seven day automatic traffic count on Cartworth Road (March 2017);
  - Seven day automatic traffic count on Dunford Road (March 2017);
  - Seven day automatic traffic count on Washpit New Road (March 2017);
  - Peak hour turning count at A6024 / Victoria Street (November 2017);
  - Peak hour turning count at Town Gate / B6106 / Hollowgate / A635 (November 2017);
  - Peak hour turning count at South Lane / B6106 (November 2017);
  - Peak hour turning count at Hollowgate / Rotcher Road (November 2017);
  - Peak hour turning count at B6106 / Washpit New Road / Underbank (November 2017);
  - Peak hour turning count at B6106 / Cross Gate Road / Choppards Bank Road (November 2017);
- 10.20 Full details of baseline traffic volumes and turning movements have been provided within the TA.
- 10.21 The impact of development traffic on Washpit New Road has been calculated from the automatic traffic count data. This shows a baseline 5 day average northbound flow of 19 and a southbound flow of 18 in the AM peak. Adding 20 inbound and 28 outbound development trips (no adjustment for school routes) equates to an increase in flow of 130%. However, the baseline is low and even when development flows are added the northbound and southbound flows are less than one vehicle per minute.
- 10.22 As set out within the appeal decision the previous application failed to adequately consider the impact of development on off-site junctions. This omission has now been rectified and the current application does examine the current operation of Holmfirth town centre junctions and the queue lengths that result and the impact that the development will have. The findings are as follows:
- Town Gate / B6106 / A635:  
The AM peak estimate of development traffic generation is for 28 outbound trips. An assessment of likely assignment to the network shows 15 of these turning left out of Washpit New Road down Dunford Road into Holmfirth. Base flows arriving at the junction along Dunford Road total 363 of which 15 additional development trips equates to a 4% impact. Current operation of this junction shows minimal queues of typically 4, 5 and 6 vehicles on the Dunford

Road approach with a maximum recorded queue length in the AM peak of 12 vehicles.

- A6024 / Victoria Street:

Five of the 15 development trips are predicted to arrive at the Victoria Street junction. Base flows arriving at the junction along Victoria Street total 216 of which 5 additional development trips equates to a 2% impact.

- B6106 / South Lane:

The proposed development has no traffic assigned to South Lane but does pass along Dunford Road. Queue lengths out of South Lane are minimal at 1, 2 and 3 recorded values and this is unlikely to be affected by passing development flows.

- Hollowgate / Rotcher Road:

Trips from the development associated with taking pupils to Holmfirth Junior, Infants and Nursery School on Cartworth Road could utilise Rotcher Road to access Holmfirth. Three vehicles are forecast to do this which, when compared to the base flow out of Rotcher Road of 91 in the AM peak equates to 3%. Queueing is minimal to exit Rotcher Road, typically 1, 2 or 3 vehicles and development traffic is not expected to have a material impact on current conditions.

- Choppards Bank Road / B6106 / Cross Gates Road:

Choppards Bank is a challenging junction and avoided by many as evidenced by just 12 vehicles exiting in the AM peak hour. It is not envisaged that many development trips will utilise this junction.

10.23 Collection of data on the possible routes to school shows a total of 62 trips through the Cartworth Bank Road / Cartworth Road / Lamma Well Road in the AM peak hour. Adding 3 school trips to this from the development would represent a 5% increase in flow. A total of just 9 trips were recorded through the Choppards Lane / Choppards Bank Road / Cote Lane junction in the AM peak hour. Adding three development school trips to this represents a 33% increase but the low base flow is noted.

10.24 Highways Development Management have carefully considered the base and development flow and conclude that link and junction capacity is not a cause for concern in this development proposal.

10.25 Car parking provided by the development for the residential element (130 spaces) is in accordance with the council's parking standards. However, the split between unit specific and visitor parking needs further attention but this can be addressed through planning condition. Parking for the non-industrial uses is based largely on expected demand and is therefore more difficult to quantify. Based on the number of staff, the expected café customers and the workshop visitors, the provision of 105 spaces is considered to be adequate.

10.26 The internal layout of roads and footpaths within the site may require minor modifications if the internal road is to be adopted but this could be addressed at detailed design stage and the principle of development has been established by the plans provided under this planning application. Under the previous scheme it was the applicant's intention for the internal road to remain private.

- 10.27 Under the previous application officers considered that a signage strategy for both pedestrian and highway signage around the locality of the area so as to direct traffic via Washpit New Road was necessary, particularly because there would be visitors to The Carding Shed travelling from outside of the local area. This is still considered necessary.
- 10.28 At pre-application stage measures such as a matrix warning sign on Dunford Road on the approach to Choppards Bank Road and measures to improve pedestrian safety in Holmfirth town centre were discussed but these have not been presented as part of the application. The current proposal is however a much reduced scheme to that initially proposed at pre-application stage which included 77 residential units.
- 10.29 An analysis of personal injury accidents over a five year period has been undertaken by the applicant. Only two accidents have been recorded in the immediate vicinity of the site in the last five years. These were both at the junction of the B6106 / Choppards Bank Road. A further nine accidents are added when the search area is widened to include Holmfirth town centre.
- 10.30 Based on this analysis of the development proposal and its impact on transport networks it is considered that the development would not cause significant harm to the safe and efficient operation of the highway network and the application accords with Policies T10, T19 and BE1 of the UDP, PLP21 of the emerging Local Plan and the advice in chapter 4 of the NPPF.

Sustainable travel:

- 10.31 Saved policy T16 of the UDP requires, among other things, adequate provision for safe, convenient and pleasant pedestrian routes for all new development that ensures attractive links between homes, places of employment, community facilities and public transport. This is explicitly linked to the crime prevention measures outlined in saved policy BE23 of the UDP. This requires, among other things, the visibility of any walkways to be maintained from existing highways to ensure pedestrian safety. Furthermore, saved policy T1(ii) of the UDP stresses that priority will be given to proposals that promote a transport network on which it is safe to travel. PLP3 of the emerging Local Plan relates to the location of new development and part (g) requires development to take account of access to a range of transport choices and access to local services.
- 10.32 The sustainability and accessibility of the site was one of the main issues considered by the inspector under the previous application.
- 10.33 The appeal decision identified limitations with the connectivity of the site for pedestrians and access to public transport links. The decision also raised issues with a proposed scheme intended to improve access along Washpit New Road that involved extending the metalled surface into the soft verges and creating a continuous white line on one side to provide a defined pedestrian area with the capacity for overrun by larger passing vehicles. The Inspector considered that the absence of any physical structure, such as a kerbstone, to stop vehicles crossing into the pedestrian zone would pose a disincentive to its widespread use. The applicant was also only providing a financial contribution of £50,000 towards such works and the council's position was that it was unable to determine the adequacy of this contribution because there was not a detailed design that was able to be fully costed.

- 10.34 To address this issue the applicant is proposing to provide a walking route along Washpit New Road from the development site to Dunford Road to access either bus stops or the town centre on foot. The improvement has been presented in outline and involves a dedicated footway on the east side of Washpit New Road. The scheme maintains a minimum carriageway width of 4.8 metres throughout and a footway width that varies between 0.9 metres and 1.2 metres. The principle of this improvement is accepted by Highways Development Management. As noted in the TA, detailed design will need to address street lighting, haunch repair on the west side of Washpit New Road, the hardening of the verge to accommodate vehicles, a scheme for drainage and the incorporation of a series of manholes on the approximate alignment of the footway. The scheme will be designed and delivered via a S278 Agreement. Given that the provision of a footway to Washpit New Road is a fundamental aspect of the proposal it is considered that the footway should be provided before any dwelling is first occupied.
- 10.35 Officers are satisfied that the proposed scheme of works to Washpit New Road would deliver a practical and safe access route between the site and Dunford Road that would enable residents and visitors to the site to access bus links and provide a walking route to Holmfirth. As such the scheme addresses the concerns raised under the previous application by both the Inspector and the Council.
- 10.36 In line with current policy, a framework travel plan has been submitted with the application. The Travel Plan relates to the previous larger scheme however the content of the plan is still relevant and measures are incorporated to encourage walking, cycling, the use of public transport, encouraging car sharing and working from home. The plan also identifies a timescale for the appointment of a travel plan coordinator (TPC) and sets out the responsibilities of the TPC. A condition is required to update this framework travel plan and make it more relevant to this particular application scheme.
- 10.37 The application is considered to comply with T16, T1(ii) and BE23 of the UDP and PLP3 of the emerging Local Plan.

Heritage issues:

- 10.38 The site contains a Grade II listed mill building (Block L). The other buildings within the Washpit Mills site are also listed by virtue of being curtilage buildings.
- 10.39 Paragraph 131 of the NPPF states that “in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness”.
- 10.40 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” (NPPF paragraph 132). The setting of a designated heritage asset is an important aspect of its significance. Preserving the special architectural and historic interest of a listed building is required by section 66(1)

of the Planning (Listed Buildings and Conservation Areas) Act 1990 and considerable importance and weight is to be attached to this.

- 10.41 PLP35 of the emerging Local Plan relates to the historic environment.
- 10.42 The principal listed building is currently vacant and the development will provide a new use for the listed building. The optimum viable use for the building is not the one the building was constructed for; the mill industry is in decline and more modern facilities are utilised. Under the previous application the listed building was to be converted into a hotel and it was considered that the hotel represented a viable use for the building that would help to sustain its significance in the future. The current application proposes a community gym which would be available to future residents and workers of the development. This change has come about in order to lessen the highway impacts of the development.
- 10.43 The proposed gym is considered to be a satisfactory use for the building because it directly addresses issues with the highway impacts of the development and thus helps to deliver an acceptable scheme for the overall redevelopment of Washpit Mills that includes the retention of a number of historic mill buildings. The gym use will also support the building's general upkeep in the future. A detailed scheme of the alterations to the principal listed building can be dealt with under Listed Building Consent application 2017/94337. It is to be noted that the principal listed building would not be extended, unlike the previous scheme.
- 10.44 In terms of the demolition of curtilage buildings, the buildings that are to be demolished have a reasonable degree of significance because they contribute to the historic evolution of the mill site.
- 10.45 As part of this revised scheme it was proposed to demolish a four storey stone mill building (Block D) which was to be retained under the previous application. Officers had concerns with the loss of this particular building and in response to this the applicant is now proposing to retain the building and for it to be used as storage in connection with the Carding Shed that will occupy the adjoining building.
- 10.46 The buildings that are to be demolished are the same as that proposed within the previous application and officers accept the loss of these buildings. The buildings with the greatest significance are being retained, namely the four storey stone-built mill building (Block D) and the large northlight roof building (Block E). Furthermore it is considered that the quality and/or scale of the buildings that are to be demolished would make it difficult to secure a long term viable use for them. There is also considered to be some benefit to the demolition of the more modern industrial building adjoining the northern elevation of the principal listed because it would allow the setting of the listed building to be enhanced. Officers accept the loss of the buildings as proposed within the application. It is to be noted that the appeal decision did not raise any specific concerns with the loss of any of the mill buildings.
- 10.47 The demolition amounts to less than substantial harm and the wider public benefits of the proposals that include securing viable uses for the principal listed building and other significant curtilage buildings on the site balance the harm that would be caused.

10.48 The application accords with advice in chapter 12 of the NPPF.

#### Urban Design issues

10.49 The design of the new build dwellings is the same as the previous scheme and remains acceptable. The design of the 4 no. townhouses to be formed within an existing mill building respects the character of the host building and is acceptable. The alterations to the building that will accommodate the Carding Shed are also acceptable.

10.50 Officers are satisfied that the proposals would sit comfortably within the context of the established site and its surroundings. The appearance of the scheme therefore meets the requirements of Policies BE1 and BE2 of the UDP and chapter 7 of the NPPF. It also satisfies PLP 24 of the emerging Local Plan.

#### Residential Amenity

10.51 The closest residential properties to the site are on Choppards Lane to the south west and Lamma Well Road to the northwest. The properties on Choppards Lane are set down from some of the neighbouring mill buildings and the properties on Lamma Well Road are all elevated in relation to the site.

10.52 These neighbouring properties are well separated from the proposed new build dwellinghouses with blocks A and C providing separation distances in excess of those required by Policy BE12 of the UDP. As such officers do not have any concerns with potential overlooking or overbearing effects.

10.53 Separation distances between proposed dwelling and proposed dwelling within the site are accepted.

10.54 In terms of noise, officers are satisfied that the proposed non-residential uses are compatible with residential development and would not give rise to any significant implications subject to controls over the opening hours of the non-residential uses and the use of Block D which is close to new dwellings.

10.55 The submitted Transport Assessment (TA) indicates the proposed hours of use which are daytime only. The hours of use are:

##### A3 Café Use:

- 10:00 to 16:00 Monday to Friday
- 09:30 to 16:30 Saturday and Sunday

##### Workshop and car storage:

- 08:30 to 17:00 Monday to Friday only

10.56 Environmental Services have advised that slightly expanded hours would be acceptable. However, the highways assessment has been carried out on the basis of the hours indicated within the TA and it is considered necessary and reasonable for the hours to be restricted to those specified within the TA. It would nevertheless be appropriate to allow deliveries to and dispatches from the café one hour either side of the opening and closing time on weekdays. No hours have been specified for the shop but it is considered reasonable for these to match the café.

- 10.57 Standard conditions are recommended in terms of addressing potential noise nuisance from plant.
- 10.58 The application satisfies policies BE1 and BE12 of the UDP, PLP24 of the emerging Local Plan and advice in the NPPF.

#### Landscape issues

- 10.59 The main areas of landscaping within the site are the land designated as POS to the northeast and the mill pond area to the southwest. Both are significant areas of landscaping with the POS forming part of an existing copse of woodland that will contribute to the setting of the development. The mill pond is an attractive area that is set up from the listed building; there are some existing trees and additional tree planting to this area is recommended to compensate for the loss of trees that will occur to facilitate the construction of block F and to provide biodiversity mitigation.
- 10.60 Soft landscaping within the site is relatively limited although this is in keeping with the established character of the mill complex.
- 10.61 Careful consideration of the treatment of the external boundaries, retaining walls and surfacing is needed and such details can be secured by condition.

#### Housing issues

- 10.62 The development will contribute to the provision of new housing at a time when the Council cannot demonstrate a 5 year housing land supply.
- 10.63 The development does not trigger a requirement for affordable housing provision because of the Vacant Building Credit. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, developers are offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when affordable housing contributions are calculated. In this case the floorspace of the existing buildings to be demolished and converted into residential use exceeds the floorspace of the new dwellings.

#### Drainage issues

- 10.64 Part of the site lies within Flood Zones 2 and 3 which have a medium and high probability of flooding. This is an area along the centre of the site and corresponds approximately to the line of the watercourse/culvert and also includes the mill pond. The remainder of the site is Flood Zone 1 (low probability).
- 10.65 The proposed drainage strategy for the development is for surface water to connect to the culverted watercourse within the site and for foul drainage to discharge to the public combined sewer crossing the site. This is the same as the previous application.
- 10.66 The previous scheme was found to be acceptable in terms of flood risk and drainage and the current application does not materially alter the previous



assessment. No objections have been raised by The Environment Agency, Kirklees Lead Local Flood Authority or Yorkshire Water subject to conditions.

### Representations

- 10.67 17 representations have been received and a detailed petition signed by approximately 60 local residents representing the 'Neighbours of Washpit'.
- 10.68 The main issue for local residents is the highway impacts of the development. Residents consider that the application has not adequately addressed the reasons for refusal on the previous application and the scale of development is at a level that will harm highway safety and efficiency considering the nature of the surrounding road network and existing traffic levels. Furthermore, the proposed footway is considered to be inadequate.
- 10.69 Highways Development Management have considered the objections raised as part of the assessment of the application. Officers have concluded that the development is acceptable in highway safety terms for the reasons set out in this report and that the proposed footway is acceptable subject to detailed design.
- 10.70 Concerns were raised with the loss of one of the mill buildings and its impact on how the remainder of the scheme would be viewed. This building is now going to be retained (Block D). Concerns have also been raised with the visual impact of parking within the site; Officers acknowledge that there is a dominance of parking along the access road but this can be mitigated to an extent through sensitive boundary treatment and appropriate surfacing.
- 10.71 Concerns have been raised regarding potential noise nuisance from the gym. There is the potential for this facility to cause disturbance if open very early or late at night given that residents will be located close by. The hours of the gym will be controlled and Officers have sought clarification from the applicant regarding the proposed hours of use.
- 10.72 Residents are concerned that the Carding Shed may host evening events resulting in noise disturbance and greater traffic movements. The hours of use of the uses within Block E will be controlled by condition.
- 10.73 Of the other issues raised these have either been addressed within this report or do not materially alter the assessment of the application.

### Planning obligations

- 10.74 On-site POS is provided. The plans show an existing wooded area within the north eastern part of the site as being designated POS with a 'woodland walk' including footbridge crossing the river.
- 10.75 The development also triggers the requirement for a LAP (local area of play). The location and nature of the on-site POS does not lend itself to the provision of equipped play provision and the applicant has provided an indicative scheme for natural play opportunities (trim trail) within the POS.
- 10.76 The entirety of the POS could not be classed as accessible open space because of the topography of large parts of it which are steeply sloping. In this context the provision of the walkway and trim trail will require careful design.

The woodland walk shown on the site plan also links to a car park which is less than ideal. Whilst the topography of the site constrains the available accessible space on balance officers are prepared to accept the POS provision proposed, subject to detailed design of an acceptable walkway and natural play opportunities being agreed along with future maintenance arrangements for the POS.

- 10.77 An education contribution of £52,808 towards local school place provision is required and would be secured by S106.
- 10.78 Under the previous application a contribution towards the provision of Metro Cards for future residents and employees of the site was sought and the applicant offered £10,000 towards this. It is considered appropriate for a similar contribution to be provided although members may wish to consider whether this sum is used for alternative transport improvements within the general locality of the site that are connected with the development. For example, improvements at the main junction in New Mill where there is an upgrade scheme in place may be more beneficial to users of the site.

#### Ecology and trees:

- 10.79 Much of the site is of low ecological value although there are areas which do have significant value such as the areas of woodland and the mill pond and surrounding area. These features form part of a wider ecological corridor towards the site's south eastern boundary. In addition the updated ecology report submitted with the application confirms that one of the buildings on the site supports a bat roost. The habitat of another protected species is also identified within the site.
- 10.80 The main areas of the site which have ecological value are to be retained as part of the scheme – this is the area of trees to the north eastern corner of the site and the mill pond and surrounding area to the south west of the site. Some trees will be lost as part of the development although it is considered that this would not significantly harm biodiversity and can be compensated for by new tree planting adjacent to the mill pond which will help to supplement this part of the established ecological corridor.
- 10.81 Measures to mitigate the impact of the development on biodiversity including the protected species identified can be fully addressed by conditions.

#### Other Matters

- 10.82 Given the previous industrial activities at the site conditions are recommended to deal with land contamination matters.
- 10.83 Environment Agency records also show an authorised landfill is present on part of this site. A licence was issued in 1982 which was later transferred to the previous occupier (Westward Yarns Ltd). The licence permitted the disposal of up to 4,000 tonnes per annum of construction, demolition and excavation waste. The site has been closed with no disposal taking place for approximately 18 years. In 2006 a closure report was submitted by the operator with various proposals for monitoring and ultimately the surrender of the licence. To date no monitoring reports have been received by the Environment Agency and the licence has not been surrendered. The last visit to the site was over 4 years ago.

- 10.84 The Environment Agency considers the site is low risk based on the types of waste accepted when it was open, and also the length of time passed since it was operational. There may however be a possibility of land stability issues and potential issues relating to landfill gas and groundwater contamination. The deposited material should have been uncontaminated but without sampling and a thorough site investigation this cannot be confirmed as being the case. It is recommended that the implications of the landfill site are addressed by conditions.
- 10.85 A small area within the site is identified as a class II archaeological site on the UDP Proposals Map. West Yorkshire Archaeology Advisory Service have provided comments on the associated Listed Building Consent application and have not raised any specific objections. A scheme of archaeological recording is to be secured separately under the Listed Building Consent.
- 10.86 There is not a definitive public right of way within the site although the council's PROW unit is in receipt of a definitive map modification order seeking the recording of a byway open to all traffic on the definitive map and statement of public rights of way. That application is separate to the consideration of this planning application and will be decided on the evidential merits of the case. It is to be noted that the site layout provides an access road broadly in the same position as the existing access and this will continue to link Green Lane and Choppards Lane, albeit serving as a main vehicular access for the development.
- 10.87 The PROW officer previously recommended that the developer provides a financial contribution towards improvement of the local PROW network. This is to improve non-motorised transport connections towards Holmfirth and the wider locality. Such improvements would also enhance access from the development for recreation opportunities, providing increased amenity value and opportunity for better mental and physical health and wellbeing, in line with PolicyT16 of the UDP and the objectives of the NPPF. A response from the applicant is awaited on this issue.
- 10.88 A condition regarding electric vehicle charging points is recommended in line with WYLES Planning Guidance and PLP24 of the emerging Local Plan.

## 11.0 CONCLUSION

- 11.1 The proposals represent a less intensive form of development than the previous scheme and it is considered that the applicant has satisfactorily addressed the main issues set out within the appeal decision.
- 11.2 The scheme will enable a local employer to stay within this part of the district and will deliver a mixture of high quality housing along with a new footway and POS. The reuse of listed buildings is also a significant benefit arising from the development.
- 11.3 The development would comply with relevant local policies and is considered to be sustainable having regard to the NPPF taken as whole.

## 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Time limit condition
2. Development in accordance with approved plans
3. Phasing of the development
4. Approval of samples of materials
5. Detailed design and delivery of the footway to Washpit New Road (to be delivered before occupation of the first dwelling)
6. Internal road design
7. Highway signage scheme
8. Surfacing of parking areas
9. Boundary treatment details
10. Detailed drainage scheme
11. Survey of watercourse within site and schedule of repairs where necessary
12. Assessment of mill pond and tributaries
13. Temporary drainage scheme
14. Drainage relating to fats, oil and grease from café
15. Oil petrol interceptor from car parks
16. Stand-off distances to culverted watercourse
17. Mill pond survey and repair/renewal where necessary
18. Contaminated land and landfill investigation and remediation
19. Details of plant and extract ventilation for the non-residential uses
20. Restrictions on operating and delivery hours for The Carding Shed:

### Café and shop:

- 10:00 to 16:00 Monday to Friday (with no deliveries/dispatches before 0900 or after 1700)
- 09:30 to 16:30 Saturday (with no deliveries/dispatches before 0830 or after 1730 on Saturdays and no deliveries/dispatches on Sundays)

### Workshop and car storage:

- 08:30 to 17:00 Monday to Friday only

21. Restrictions on operating hours of the gym
22. Restrictions on use of gym to residents and workers of Washpit Mills only
23. Storage use only for retained curtilage listed building connected to the Carding Shed business (Block D)
24. Ecological mitigation including details of demolition

25. Detailed landscape plan including new tree planting to south eastern site boundary
26. Electric vehicle charging

**Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f94336>

Certificate of Ownership – Certificate A signed.

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 08-Mar-2018

**Subject: Planning Application 2017/94337 Listed Building Consent for conversion of listed building to form private gymnasium and demolition of curtilage buildings Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD**

#### APPLICANT

R Cooke, Prospect  
Estates Ltd

#### DATE VALID

10-Jan-2018

#### TARGET DATE

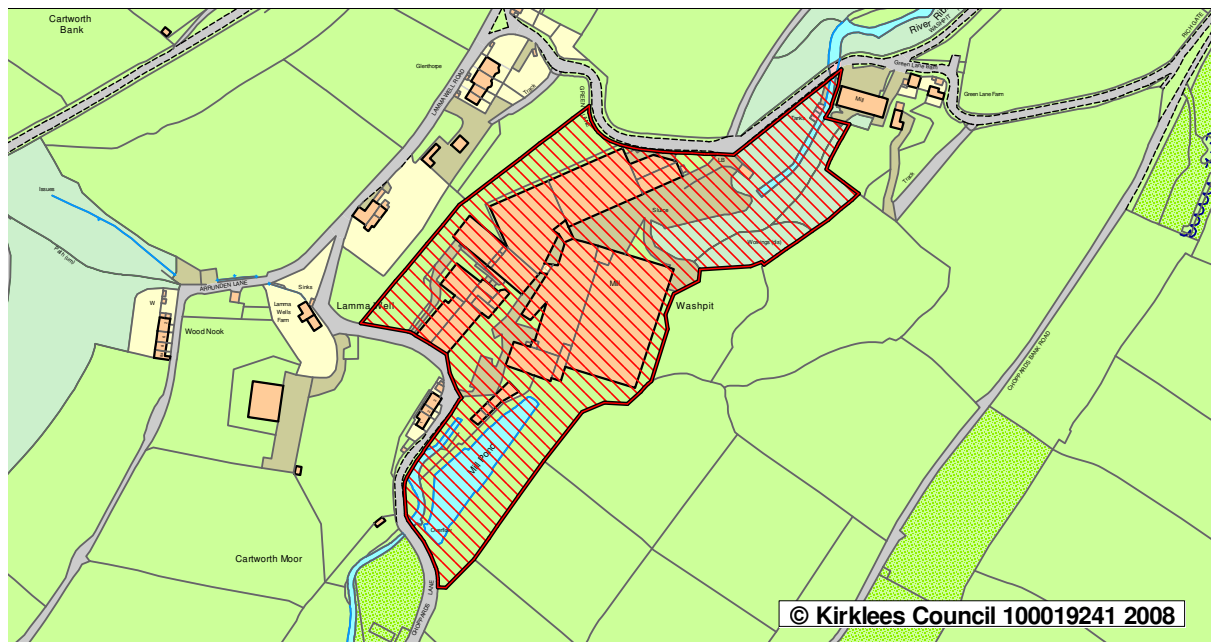
07-Mar-2018

#### EXTENSION EXPIRY DATE

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.  
<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Holme Valley South**

Yes

Ward Members consulted

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

- 1.1 The application is brought to the Strategic Committee because it is associated with application 2017/934336 for the redevelopment of the Washpit Mills site in Holmfirth which is reported elsewhere on the agenda.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to the Washpit Mills site which comprises a range of buildings and hardstanding areas within approximately 3.5 hectares of land located within the cleft of a steep sided valley. Washpit Mill was constructed around 1840 on the site of an earlier mill building.
- 2.2 The principal listed building (Grade II) lies towards the south western part of the site and is a stone-built former textile mill building. Externally the building appears as three storeys but there are currently only two floors within the building. The building has a pitched slate roof and there is a projecting gable to the northern elevation.
- 2.3 There is a green clad steel framed building attached to the northern elevation of the listed building beyond which are other industrial sheds, partly stone faced, extending further northwards toward the boundary with Green Lane. Immediately behind the listed building is a detached three storey mill building. All of these other mill buildings on the Washpit Mills site are listed by virtue of being curtilage buildings.

**3.0 PROPOSAL:**

- 3.1 Listed Building Consent for conversion of listed building to form private gymnasium and demolition of curtilage buildings.

**4.0 RELEVANT PLANNING HISTORY:**

2017/94336 Part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car park – Application reported elsewhere on this agenda



2016/93429 Listed Building Consent for extensions and alterations to form hotel and restaurant – Appeal against non-determination dismissed

2016/93428 Part demolition of existing mills and erection of 45 dwellings and 16 apartments. Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park. Conversion of mills to hotel and offices – Appeal against non-determination dismissed

2003/95344 – Erection of dyehouse and bale store extensions – Approved

2000/91602 – Erection of first floor extension and link bridge extension

1999/92121 – Listed building consent for demolition of a redundant boiler house – Consent Granted

1995/91713 – Listed building consent for part demolition of mill buildings and erection of new first floor – Consent Granted

1993/02133 – Listed building consent for removal of external lift and erection of blending shed – Consent Granted

1993/02131 – Removal of list shaft and erection of blending shed – Approved

1992/02712 – Erection of bale storage building – Approved

1992/01316 – Erection of link building – Approved

1991/03594 – Formation of temporary access – Approved

1991/03353 – Erection of bridge link – Approved

1990/05917 – Erection of extensions to mill and formation of forecourt - Approved

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 In response to concerns raised by the Council's Conservation and Design officer and comments from Historic England the applicant has amended the scheme to retain one of the buildings that was to be demolished (building 14 on the demolition plan).

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies,

proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 BE1 – Design principles

Supplementary Planning Guidance / Documents:

6.3 PLP35 Historic Environment

National Planning Guidance:

6.4 NPPF Chapter 12 Conserving and enhancing the historic environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Six representations received plus a detailed petition signed by 59 local residents; all of the representations also relates to planning application 2017/94336 for the redevelopment of Washpit Mills.

A summary of the representations received (as they relate to this Listed Building Consent application) is provided as follows:

- Listed building is too large to be solely used as a private gym and the conversion and operational costs associated with the proposed use would be commercially unsustainable/unviable.
- Height of Block A previously aligned with one of the mill buildings (Block D) that is now to be demolished. Height of Block A will have a significant impact on the overall impression of the site and detract from the setting of the listed building.

**8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

None

8.2 **Non-statutory:**

**Conservation and Design** – No objection to the conversion of the principal listed building to a gym. Initial concerns raised with the loss of curtilage listed buildings and in particular one of the mill buildings that was to be retained under the previous scheme. These concerns have been satisfactorily addressed with the proposed amendment.

**Historic England** – Concerns raised with the loss of curtilage buildings and justification for their loss. No objection to the works to the principal listed building subject to a condition requiring details of a schedule of works.

## **9.0 APPRAISAL**

- 9.1 Washpit Mills includes a Grade II listed mill building (Block L). The other buildings within the Washpit Mills site are also listed by virtue of being curtilage buildings.
- 9.2 Paragraph 131 of the NPPF states that “in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness”.
- 9.3 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” (NPPF paragraph 132). The setting of a designated heritage asset is an important aspect of its significance. Preserving the special architectural and historic interest of a listed building is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and considerable importance and weight is to be attached to this.
- 9.4 PLP35 of the emerging Local Plan relates to the historic environment.
- 9.5 The principal listed building is currently vacant and the development will provide a new use for the listed building. The optimum viable use for the building is not the one the building was constructed for; the mill industry is in decline and more modern facilities are utilised. Under the previous application the listed building was to be converted into a hotel and it was considered that the hotel represented a viable use for the building that would help to sustain its significance in the future. The current application proposes a community gym which would be available to future residents and workers of the development.
- 9.6 The proposed gym is considered to be a satisfactory use for the building because it will help to support the delivery of an acceptable scheme for the overall redevelopment of Washpit Mills that includes the retention of a number of the historic mill buildings whilst also providing a use that will support the listed building’s general upkeep in the future. A detailed scheme of all internal and external alterations to the principal listed building can be secured by condition, in line with comments from Historic England. It is to be noted that the principal listed building would not be extended, unlike the previous scheme.
- 9.7 In terms of the demolition of curtilage buildings, the buildings that are to be demolished have a reasonable degree of significance because they contribute to the historic evolution of the mill site.
- 9.8 As part of this revised scheme it was proposed to demolish a four storey stone mill building (Block D) which was to be retained under the previous application. Officers had concerns with the loss of this particular building and in response to this the applicant is now proposing to retain the building and for it to be used as storage in connection with the adjoining building (Block E).

- 9.9 The buildings that are to be demolished are the same as that proposed within the previous planning application for the redevelopment of Washpit Mills. In Officers' opinion the buildings with the greatest significance are being retained, namely the four storey stone-built mill building (Block D) and the large northlight roof building (Block E). Furthermore it is considered that the quality and/or scale of the buildings that are to be demolished would make it difficult to secure a long term viable use for them. There is also considered to be some benefit to the demolition of the more modern industrial building adjoining the northern elevation of the principal listed because it would allow the setting of the listed building to be enhanced. Officers accept the loss of the buildings as proposed within the application. It is to be noted that the appeal decision did not raise any specific concerns with the loss of any of the mill buildings.
- 9.10 The demolition amounts to less than substantial harm and the wider public benefits of the proposals that include securing viable uses for the principal listed building and other significant curtilage buildings on the site balance the harm that would be caused.
- 9.11 The application accords with advice in chapter 12 of the NPPF.
- 9.12 Concerns have been raised within representations with the loss of one of the mill buildings and its impact on how the remainder of the scheme would be viewed, including the impact on the setting of the listed building. The building in question is now going to be retained following an amendment to the application (Block D).

## **10.0 CONCLUSION**

- 10.1 In conclusion Officers consider that the public benefits of the proposal in terms of securing the reuse of a number of the former mill buildings outweigh the less than substantial harm that would be caused by the loss of some of the existing mill buildings.

## **11.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Time limit
2. Development in accordance with approved plans
3. Archaeological recording
4. Scheme of works to principal listed building

### **Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f94337>

Certificate of Ownership – Certificate A signed.

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 08-Mar-2018

**Subject: Planning Application 2017/90620 Hybrid application - Planning application for demolition of existing buildings and erection of 2no workshop and ancillary office buildings (B1c/B8 use class) comprising a floor area of 880m<sup>2</sup> including mezzanine space, parking, access details and ancillary works. Outline planning application for the erection of up to 75no dwellings (Amended Description) Dobroyd Mills, Hepworth Road, New Mill, Holmfirth, HD9 1AF**

#### APPLICANT

Z Hinchliffe & Sons Ltd,  
c/o agent

#### DATE VALID

24-Feb-2017

#### TARGET DATE

26-May-2017

#### EXTENSION EXPIRY DATE

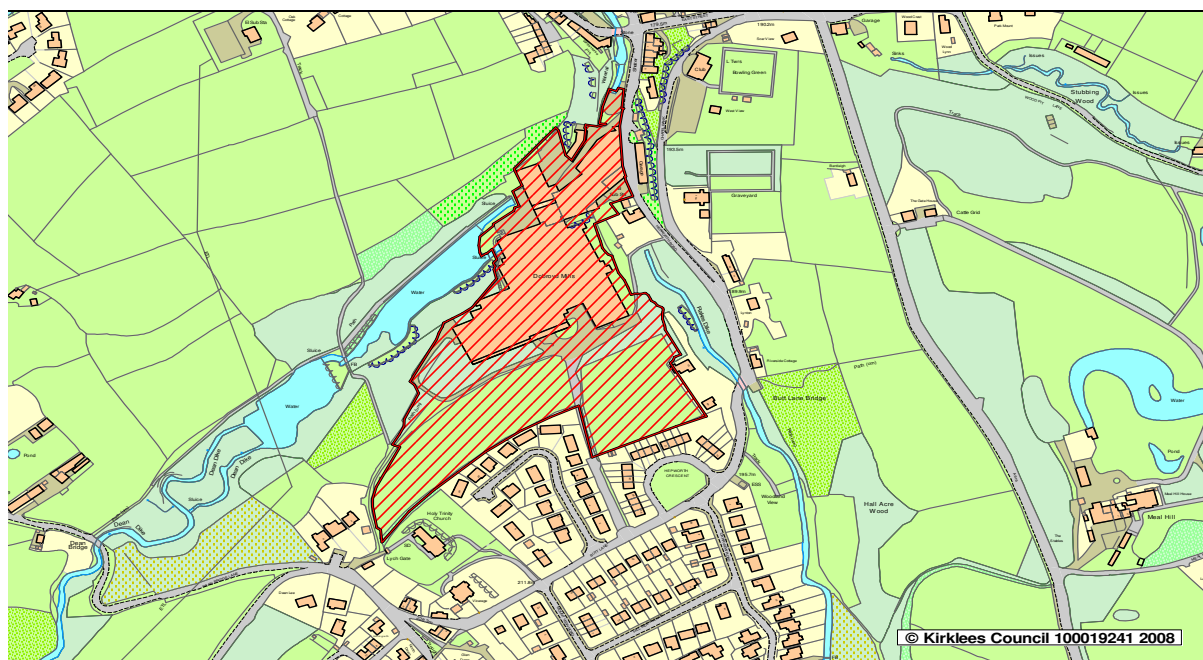
11-Jan-2018

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



**Electoral Wards Affected: Holme Valley South**

Yes

Ward Members consulted

**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

Education - £271,237 comprising £138,262 to Hepworth Junior and Infant School and £132,975 to Holmfirth High School

Affordable Housing – to be finally calculated having regard to vacant building credit and depending on the quantum of development proposed by the reserved matters.

New Mill Junction Improvements - A contribution of £33, 880 towards New Mill Junction Improvements.

Transport - £10,000 for a ‘live’ bus information display – approx. £45,676.95 for RMC’s (Residential Metro Cards)

In the circumstances where the Section 106 agreement has not been submitted within 3 months of the date of the Committee’s resolution then the Head of Strategic Investment shall consider whether planning permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

**1.0 INTRODUCTION:**

1.1 The application was deferred at the Strategic Planning Committee on 11<sup>th</sup> January 2018 as Members requested further details and information on issues concerning Transportation, Affordable Housing / Vacant Building Credit, Public Open Space (POS), Employment uses, Flood mitigation, Drainage/Sewerage.

1.2 Following the deferral, and partly in response to the concerns and issues raised by Committee, the applicant has amended the scheme; details of which are contained in the relevant section of this report.

- 1.3 The application is presented to Strategic Planning Committee as it represents a departure from the development plan as part of the site is on land allocated as Provisional Open Land and part of the site is within the Green Belt within the Kirklees UDP. Additionally the proposal involves residential development of more than 60 units.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is located between Hepworth and Jackson Bridge and lies approximately 7.5 miles to the south of Huddersfield. The site covers an area of 3.9ha and is generally split in terms of character. On the northern most portion of the site are a range of former mill buildings dating from approximately 1830. This part of the site is brownfield land and lies in the Green Belt. The southern portion of the site comprises two fields which are allocated as Provisional Open Land (POL) on the Unitary Development Plan. A small portion of the land comprises a Housing Allocation.
- 2.2 The main access to the site is taken from Hepworth Road but there is an additional access taken from Butt Lane which follows the line of a public footpath (HOL/207/10).
- 2.3 The site lies within the River Holme valley albeit on the western valley slope which rises up from Jackson Bridge up to and beyond Hepworth. The access to the mill buildings off Hepworth Road lies on the lowest part of the site but there is a distinct change in levels beyond the mill buildings where the land rises sharply up to the POL land. The POL land also rises steeply east to west from Hepworth Road.
- 2.4 The site is bounded to the south by properties which lie off Kemps Way and Hepworth Crescent. To the east there are a number of trees which provide a substantial buffer between Hepworth Road and the site. In the north western corner of the site are a large number of trees on either side of the banks of a pond which was associated with the former mill uses. Beyond the site boundary to the north are a number of open agricultural fields.

## **3.0 PROPOSAL:**

- 3.1 The application is a hybrid submission involving a full application for employment uses for the redevelopment of the lower part of the site which contains a range of existing mill buildings, and an outline application for housing involving development of part of the existing mill site and the remaining greenfield land.

### *Full application element*

- 3.2 The proposal involves the demolition of the existing buildings and structures within the site, including the 19<sup>th</sup> century former mill building which lies at the northern end of the site. However, it excludes the existing building which is currently used by Hepworth Band which lies just outside the red-line boundary.

### 3.3 The proposal involves:

- The erection of two workshop/office units with a floor area of 880m<sup>2</sup> to incorporate B1c (light industrial) uses, B8 (storage and distribution) and ancillary offices (see section 5.2 for further details)
- Associated earthworks to facilitate an access and the laying out of an access road to serve the development.
- Parking for 30 cars.

#### *Outline*

3.4 The proposal also involves an outline application for up to 75 dwellings with all matters reserved except for access which relates to the area of the site which comprises POL land and some of the land allocated as Green Belt. A small portion of the site to the west is covered by land allocated as Housing in the UDP.

3.5 The proposal includes the creation of a new access point from Hepworth Road and the closure of the existing access for vehicles off Butt lane (although it would still be available for use by pedestrians and cyclists). Details of the access from Hepworth Road are contained as part of the full application element.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 2013/91491 – Prior notification for demolition of existing mill buildings – withdrawn.

88/00553 – Change of use of existing disused warehouse to 15 dwellings with ground floor garaging – Approved subject to conditions.

There are a number of other relatively minor applications which cover various works within the existing mill buildings.

### **5.0 HISTORY OF NEGOTIATIONS**

5.1 The applicant has submitted additional information as requested by officers as follows:

- Additional details concerning the phasing arrangement.
- Additional information concerning highways matters, particularly regarding traffic generation.
- Further information concerning the change of use of the building and alterations to the uses proposed.
- Calculations regarding the demolition of the existing buildings and structures and the impact of the proposed development on the Green Belt.
- Additional retail impact assessment information.
- Flood risk information and additional drainage details.
- Vacant building credit information.

5.2 Following the decision of the Strategic Planning Committee to defer the application on 11<sup>th</sup> January 2018, the applicant has amended the application and supplemented the application with additional information as follows:



- Details showing the demolition of the existing mill building within the northern portion of the site. No residential development is now proposed in this part of the site.
- Two new single storey buildings are proposed. The buildings would be constructed of natural stone with panel and wood cladding and a shallow pitched roof. Dimensions of the buildings are as follows:

Unit 1 – 24.7m x 10.9m x 7.6m (height).

Units 2 and 3 (single building) – 16m x 24.5m x 7.8m (height).

- The buildings above would be served by 30no car parking spaces.
- The revised scheme has been accompanied by an addendum to the Transport Assessment.
- A revised Flood Risk Assessment has been submitted in support of the application.

## **6.0 PLANNING POLICY:**

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004). The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Local Plan process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D5 - Provisional Open Land  
 D12A - Re-use of buildings in the Green Belt  
 H1 - Housing Need  
 H10/12 - Affordable Housing  
 H18 - Provision of Open Space  
 BE1/2 - Design and the Built Environment  
 BE11 - Building Materials – Natural Stone in Rural Area  
 BE12 - New dwellings providing privacy and open space  
 BE23 - Crime Prevention Measures  
 EP10 - Energy Efficiency  
 EP11 - Landscaping  
 T1 - Sustainable Transport Strategy  
 T10 - Highways Safety / Environmental Problems

T16 - Pedestrian Routes  
T19 - Off Street Parking  
G6 - Contaminated Land

Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development  
PLP7 – Efficient and effective use of land and buildings  
PLP11 – Housing Mix and Affordable Housing  
PLP20 – Sustainable Travel  
PLP21 – Highway safety and access  
PLP22 – Parking  
PLP24 – Design  
PLP27 – Flood Risk  
PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP32 – Landscape  
PLP35 – Historic Environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP 57 – Green Belt – extension, alteration or replacement of existing buildings  
PLP61 – Urban Green Space  
PLP62 – Local Green Space  
PLP63 – New Open Space

6.2 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Council Housing Allocations – Accessibility Assessment (March 2015)
- Planning Practice Guidance

Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The original application has been advertised in the press, by site notice and by neighbour letter as a Major Development, a Departure from the Development Plan, affecting the Setting of a Listed Building and affecting a Public Right of Way. The application was further advertised following the submission of amended plans. A total of 44 representations have been received which are summarised below. A response to these points is provided in the main body of this report unless otherwise stated:

- New buildings could ruin the character of the traditional village and an estate would overwhelm it.

- The protection of Hepworth's visual, historic and ecological qualities are also supported by para 64 of the National Planning Policy Framework which states permission should be refused for development of poor design that fails to take opportunities available for improving character and quality of an area and the way it functions.
- Siting of the development on greenfield is ill considered used by many villagers and tourists for walking dogs.

*Officer response – the site is allocated as Green Belt and POL. It does not form an identified area of green space. However, it is acknowledged that a number of footpaths route through the site and there would be a requirement to ensure that these were incorporated into any reserved matters submission. The area of protected woodland, footpath and pond area would be unaffected by the development.*

- Building would diminish views from surrounding countryside.
- Site contains important natural habitats for protected species and is an area of significant ecological importance.

*Officer response – the application has been accompanied by an ecological assessment and bat survey. The application has been assessed by the Council's biodiversity officer and no objections are raised, subject to conditions.*

- My objection to the plan is that there does not seem to be provision to allow vehicular access to my property at the rear of 8 Hepworth Road yet there is clearly a historical precedent and a current need to allow vehicular access.

*Officer response – This is a private civil matter and not one which affects the determination of this application.*

- The proposed development would inevitably mean an increase in the number of children requiring schooling. Currently, the local school is very close to capacity and would not be able to accommodate the huge increase that a development of this size would bring. Your calculations of 15 extra school places will be required for Hepworth School are extremely low and misleading for a development of this scale. At the school, there is no scope for extending the classes due to lack space and funding so therefore the local school cannot accommodate the needs of the potential families who may live here. Looking further afield into the next village, Scholes is nearly at full capacity so also cannot provide places either. This must be a huge point for the planning not to go ahead, as no one can argue with how important and vital the education of our children is. If the local school cannot provide the essential education to meet the needs of our children, then in my opinion the plan to build these houses is unacceptable.

*Officer response - The Council has a statutory duty to ensure that there are sufficient high quality school places to meet the needs of Kirklees families and communities. Physical expansion of schools is just one way of accommodating an increase in population and other options include modular accommodation, the re-organisation of schools and the commissioning of new schools. The planning of new school places is a strategic and inherently complex process due to the amount of variables involved. In terms of the contribution required,*

*this is based on existing school capacity and population projections and is applied utilising a consistent methodology which is applied across all development proposals in Kirklees.*

- In addition to this, currently the school run at Hepworth School is already at a point where the village is struggling to cope with the increased traffic. There have been several campaigns run by the villagers and the school itself to promote safe driving and tackle the growing congestion problems. This will only become more of a problem if a development of this size is built, as the traffic will certainly rise.
- Furthermore, on the matter of traffic and congestion, with the intended development, approx 93 dwellings, business and industrial units, and restaurant / café facilities, this will lead to an unsustainable increase in traffic not only through the village, but also there will be many new vehicles accessing and leaving the site. The main access point to the A616 is at the top of Bank Street, this is already a narrow and difficult junction, especially so for cars turning onto the A616 in the direction of Sheffield. Bank Street and at the junction is not even two cars wide and problems occur when cars meet, leading to congestion and difficult driving, this development will obviously increase this. The junction onto the A616 here is totally blind when turning right (direction Sheffield) and very dangerous. Vehicles may choose to access the A616 via the junction at Gatehead – this would mean increased traffic up Butt Lane, here there are no pavements, again endangering the lives of pedestrians.

*Officer response – There are no objections to the proposal from Highways DM. Further information is contained in the relevant section of this report.*

- According to the plans, the “gap” between the settlements of Jackson Bridge and Hepworth will effectively disappear, and the two villages will be joined together. This is a fundamental change to the two historic settlements, and will erode the characters of both of them. It would be preferable to maintain a “corridor” between the settlement of Hepworth and that of Jackson Bridge, for not only these cultural and historic reasons, but also for the maintenance of biodiversity. Corridors play an extremely important role in the maintenance of biodiversity. A corridor between the development and the existing housing in Hepworth would enable migration, colonisation and interbreeding of plants and animals.

*Officer response – The Council's biodiversity officer has been consulted and requires that biodiversity enhancement and further mitigation is submitted at reserved matters stage.*

- We would like to state that we would not object to the redevelopment of Dobroyd Mills, if it was limited to the mill building. As much of the mill is now semi-derelict or in a poor state of repair a sympathetic redevelopment would be positive for the area. However, we feel that the proposal in this initial application is for too large a development on green fields and will have a very detrimental impact on a small rural village. Therefore, feel we must object to the application in its current form.
- Given the nature and character of the area I feel it very important that mature trees - particularly those to the boundary of the site are retained - as I understand from the report this is the intention, but I am surprised these

beautiful mature trees are not already protected and certainly think they should be moving forwards as part of any planning permission granted.

*Officer response - The north, west and east of this site is bounded by mature woodland, with groups of mature trees located internally around the site's grounds. These trees and woodlands are prominent features of the landscape and a valuable wildlife resource in the locality, therefore they provided significant public amenity. Until now, these trees and woodlands were not protected but given the public amenity they provide, and taking account of the outline application for development on site, a new TPO was served on these trees. In addition, any subsequent reserved matters submission will be required to take into account the impact on the trees and a condition is recommended regarding a revised arboricultural assessment.*

- The roads through Jackson Bridge and Hepworth are minor roads and totally unsuitable.
- Lack of pavements on local roads.
- Increase in traffic and disturbance during the construction phase.
- The suggestion that the footpath between Jackson Bridge and Hepworth School can be used as a suitable footpath for school fails to recognise that the footpath is in a poor state of repair and is extremely muddy during many months of the year.
- The highways report is flawed many minor accidents never recorded.
- Concrete/tarmac will lead to drainage problems.
- As well as impact at top of Bank Street onto A616 other potential ingress and access points would involve a significant increase in traffic onto East Street, Jackson Bridge. The junction onto the A616 here is totally blind when turning right (direction Sheffield) and very dangerous. Vehicles may choose to access the A616 via the junction at Gatehead – this would mean increased traffic up Butt Lane (where there are no pavements), a reflex left turn on a steep hill into Towngate, and through the centre of Hepworth, already narrow, crowded and badly potholed, past Hepworth Junior and Infant School, again where there is inadequate pavements. This would add to congestion and air pollution in a densely populated village centre and school premises and playground, and increase the chance of an accident, possibly involving children.
- There is a lack of detail in the application. The adverse impacts of the development have not been given due consideration. This includes, but is not limited to egress/ingress to the A616 with the junctions with Bank Street, East Street, Foster Place Lane; and Gate Head Lane.
- The traffic flow and the impact on local road infrastructure for 93 new dwellings and use of commercial premises, especially in relation to the current on-road parking on Bank Street, East Street and Scholes Road.
- Insufficient detail regarding improvements to pedestrian and cycling facilities in the surrounding area.

*Officer response – See highways section of this report.*

- Lack of detail regarding parking of vehicles.
- Lack of proposals for affordable housing/social rented.
- Lack of detail regarding materials to be used in construction.
- Limited information on alternative transport to access offices, light industry and retail given lack of figures on employment, lack of operating hours for non-residential.
- Lack of information on use or storage of hazardous substances.

*Officer response – there are no proposals to store significant quantities of hazardous substances.*

- No details on how the demolition of the mill will take place.

*Officer response – a planning condition is recommended concerning the demolition of the existing buildings.*

- Site is potentially contaminated and burning of material has taken place which may have contaminated the ground.

*Officer response – conditions are recommended concerning contamination.*

- Development on the POL and the land would actually result in a net loss to the openness of the existing green belt not a gain. This can be seen from these pictures, no planning approval should not be granted on the land to the rear of Hepworth Crescent nor Kemps Way (SL2192).
- To safeguard the setting of the listed church there should not be any development on the provisional open land (POL), beyond the line of the boundary between the properties of 14 and 16 Kemps Way.

*Officer response – addressed in the relevant section of this report.*

- Consideration of moving routes of the existing public footpaths to the border of the development (using the proposed buffer zones) to help support delineation between Jackson Bridge and Hepworth, privacy for existing and new residents Communal Recreation Space Consideration of new communal recreation spaces to help support delineation between Jackson Bridge and Hepworth, reduce demand on existing facilities at Hepworth recreational field.

*Officer response – the diversion of any footpaths would require a separate application process. Any subsequent reserved matters submission would have to successfully incorporate footpaths into the development proposals.*

- Para 3.2.7 Does not reflect narrowness of roads, current parking access onto the A616, action to address the lack of pavements on Hepworth Road, Butt Lane.

- Para 3.28 Safe routes access to access the school could be improved and does not reflect the increased traffic of parents bringing children to school by car, does not offer alternatives to access to school by car.
- Para 3.2.9 Does not address safe access to the A616 from Jackson Bridge with increased traffic flows and no mitigating action.
- Para 3.3.5 'With the additional on-site pedestrian facilities, it is concluded that safe and convenient access to the site is readily available for pedestrians.' This fails to address the off-site pedestrian facilities that will support a safe and sustainable transport plan for the site e.g. safe routes to school, safe access to bus stops,
- Para 3.3.9 presents no evidence on how ' In consideration of the above, it is judged that there are practical and convenient links available to and from the proposed development offering the potential for residents to walk or cycle to local facilities and employment areas.' It fails to demonstrate how safe cycle routes to the surrounding amenities will be maintained given increased traffic flows and current lack of dedicated cycle lanes on the surrounding highway infrastructure.
- Para 3.4.4. assumes that the current public transport options will remain in perpetuity, this is highly unlikely to be the case. Have the applicants had any discussion with providers and KMC on continued provision of public transport to the site and its environs?
- Para 3.6.1 Describes a single survey Thursday 17th March 2016) between 07:00 and 09:30 and 16:00 to 18:30, this does not provide sufficiently robust data upon which to base conclusions. Further surveys should be carried out and include weekends/evenings to understand the impact of the current retail/cafe facilities as a proxy for those proposed in the development.
- Para's 5.2.3 and 5.4.4. significantly underestimate the potential impact of traffic. The development proposes 93 residential units and estimates only 51 departures in the morning peak. This does not seem to reflect the realities of families taking children to school or leaving for employment in the known commuting conurbations from Hepworth of Huddersfield, Halifax, Wakefield, Bradford, Leeds and Manchester.
- Section 5.6 does not reflect the reality of the impact of on-street parking and traffic flow on Bank Street, especially two way flow at peak times and safe ingress/access to the A616. The conclusion in para 5.6.5 is erroneous and further analysis of offsite junctions, including current and future layouts should be considered.

*Officer response – a response to these points is contained in the highways section of this report.*

- Given the location of the site, the travel to work distances of residents and therefore ownership of cars would mean that the provision of only 106 spaces in total for the houses, (section 5.7), would lead to these residents either parking on the street within the development, using spaces allocated for the retail/flats, or on street parking on the surrounding highways.
- Use of a community infrastructure levy or section 106 funding for:

*Improvements to and maintenance of the 'walk to school' footpath through Carr Wood; and*

*Reducing congestion in Jackson Bridge with impact of increased and car parking obstructions to flow.*

*Officer response – a detailed response will be provided as an update to Strategic Planning Committee following the receipt of comments from Highways DM.*

- Consideration should be given to combining the rural edging to the site with maintaining public footpaths (green connections) and the separation of vehicle and pedestrian access. This could be achieved by re-routing the footpaths to form part of an extended rural edge to the site especially between existing residential sites and the proposed 'Bank View' and 'Hillside Approach' residencies. It will have the additional benefit of keeping a separation between two distinct villages if the new development is considered to be in Jackson Bridge.
- No detail provided in relation to construction period.

*Officer response – A condition is recommended concerning a Construction Management Plan.*

- Access to the site especially mitigation of negative impact of using the ingress from Butt Lane on the residents of Hepworth Crescent, Kemps Way and Butt Lane
- The proposal to '*provide a replacement facility similar to the one that currently exists*' does not reflect the 'niche' aspect of the current business and nor is the provision of a similar one factored into the Transport Assessment. The current business has a significant impact on traffic flows. It may be more realistic to develop the whole of the retained Mill building as residential in line with other re-use of Mills in the Valley from Jackson Bridge to New Mill.
- The proposals would represent a complete over-development of the village of Hepworth and would increase its size by around 25-30% (based on dwellings). Apart from the practicalities of this, detailed earlier in this letter, the development would completely change the character of the village much of which lies in a conservation area, with many listed buildings.
- The proposed development borders onto the Holy Trinity Church, which in itself is a listed building, a development of this size in and around its outlook is unsuitable.
- Part of the proposed development is in an area designated as a Wildlife Habitat Network - PDLP16 (The North West section of the development) this also makes the proposal unsuitable.
- The 7-mile journey to Huddersfield already takes 40 minutes on a weekday morning due to congestion from Honley onwards. The small town of Holmfirth is already regularly gridlocked and Dunford Road into Holmfirth from Hepworth, Scholes and Hade Edge regularly has queues of 1 mile just to reach the centre of Holmfirth. In addition the junction in New Mill, which



most of the traffic generated by this proposal would pass through, is also unsuitable. There are regularly 30 minute queues on both the Penistone Road into New Mill and the New Mill Road into New Mill (from Huddersfield).

*Officer response – a detailed response will be provided as an update to Strategic Planning Committee following the receipt of comments from Highways DM.*

Councillor Nigel Patrick (Ward Councillor – Holme Valley South) comment on the amended plans as follows:

- It is important to retain as much employment land as possible. The units look similar to those at Park Valley which I believe is full of small businesses and is a success. I will reserve judgement on the house building as I am interested to see what planning gain is offered in terms of road improvements.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Environment Agency – No objection subject to the development being carried out in accordance with the submitted Flood Risk Assessment and subject to:

- Surface water drainage being discharged directly into the Jackson Bridge Dike at 30% of existing discharge rate.
- Proposed new buildings to be located outside of flood zones 2 and 3.

Further conditions requested concerning a survey of Dean Dike and the implementation of a flood warning and evacuation plan.

Further advice provided concerning contamination.

*Comments on amended plans – Awaiting response. To be reported as an update.*

Lead Local Flood Authority – Largely supports this application. However crucial further assessment needs to be included in application with regards to flood risk namely, existing topography and a discussion of overland flow routing within the Flood Risk Assessment should inform any proposed layout so exceedance flows and blockage scenarios utilise road networks and public open spaces and avoid the use of curtilage, i.e. demonstrate how risk is to be avoided.

Confirm that for an indicative layout, positioning of attenuation and flood routing can be conditioned. Individual properties can be put at risk if drainage is not considered at the same time as a layout design and curtilage is positioned in a low spot with consequences for a future owner. I am happy to condition the flood routing therefore with appropriate advice notes on flood routing taken from the summary.

*Comments on amended plans – Awaiting response. To be reported as an update*

K.C Highways – No objection in principle subject to S106 contribution towards New Mill junction and conditions.

*Comments on amended plans – Awaiting final response. To be reported as an update*

## 8.2 Non-statutory:

K.C Education – a contribution of £347,631 is required to address impacts on Hepworth Junior and Infant School and Holmfirth High School.

K.C Strategic Housing – No objection. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. This would mean a reduction of the amount of affordable housing contribution.

*Officer response – such details could be conditioned so that they are submitted along with the Reserved Matters when the quantum of development is fully understood.*

West Yorkshire Fire Service – No comments received.

West Yorkshire Archaeological Service – No comments received.

Arboricultural Officer – No objection. Comments expanded on in the main body of this report.

K.C Biodiversity Officer – The ecological information submitted appears to be based on a good standard of survey and is sufficient to inform the scheme design. However, the Preliminary Ecological Appraisal on its own is not sufficient to demonstrate that the scheme will include the mitigation and enhancement required. Mitigation and enhancement proposed is largely focused on the area of Kirklees Wildlife Habitat Network, which is appropriate. To demonstrate that this will be achieved an Ecological Impact Assessment (EclA) with specific detail will be required, or detail on the individual requirements could be provided prior to determination, or secured through conditions. These requirements are as follows.

- Landscape scheme with retails of planting to mitigate loss of KWHN (I would strongly recommend that this is not conditioned, as the detail is required to mitigate a specific identified impact).
- Landscape and Ecological Management Plan (LEMP) referencing the landscape scheme.
- Brief management plan/method statement for the eradication of invasive non-native species.
- Lighting Strategy with particular attention paid to avoiding impacts to KWHN, which has been demonstrated to be used by foraging/commuting bats.

Impacts to nesting birds must also be avoided through appropriate timing of works or pre-demolition survey and any necessary nest monitoring. A condition is suggested below for this purpose.

Yorkshire Water Services – No objection subject to a condition.

K.C Conservation and Design – I am broadly comfortable with them as long as the density is felt to be appropriate. I do feel that at the reserved matters stage the layout would benefit from a BFL 12 appraisal to ensure that the design keeps to urban design best principles. In terms of the demolition, these are mid- 20th century buildings of little merit so I do not object to their removal.

*Comments on amended plans – No formal comments received on the latest amended plans but expressed the following concerns relating to the removal of the four storey mill building:*

*“I am very disappointed to see the loss of the building, which I do indeed consider to be a non-designated heritage asset. The supporting structural report gave no indication that the building should be demolished and I see no viability report to suggest that its demolition is a requirement, unless I am missing something. On the face of it, without this information, I am minded that the application fails NPPF Para 135 and the emerging PLP 35. This is due to the lack of public benefit afforded by the loss of the building.”*

K.C Environmental Health – Overall we have no objection this development being granted planning permission subject to conditions regarding land contamination, air quality, extraction system (A3 use), hours of use/delivery of the B1 units and Construction/Demolition site hours. Careful design/layout of the commercial/residential uses in the 4 storey mill will be needed to avoid conflicting uses (particularly regarding noise). Ideally the A3 use should be on the ground floor with a “buffer floor” of B1 office use between the A3 and the C3 floors.

*Comments on amended plans – No response received but it is noted that the residential element has been removed.*

Coal Authority – Comments not required.

K.C Landscape – No objection. Comments incorporated into the design and layout section of this report.

Holme Valley Parish Council – Object.

- 1) Highways Issues – concerned that the two junctions on the A616 down to Jackson Bridge need improving.
- 2) Over intensification of the site (number of dwellings excessive).
- 3) Top field by the church should not be built on.

Support a mixed use development on part of the site which is brownfield only.

*Comments on amended plans – Awaiting response. To be reported as an update.*

## 9.0 MAIN ISSUES

Principle of Development  
Impact on Character of Surrounding Area and Landscape  
Highways and Traffic Implications  
Residential Amenity  
Flood Risk and Drainage  
Ecological Issues  
Heritage Issues  
Planning Obligations and Developer Contributions

## 10.0 APPRAISAL

### Principle of development

- 10.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.2 The NPPF is a Government statement of policy and is, therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF. Paragraph 215 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 10.3 It is clear that the NPPF seeks to *“boost significantly the supply of housing...”* (para 47). Para 47 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. This requires a range of measures including ensuring a deliverable five year supply of housing. Para 49 states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.
- 10.4 As evidenced in recent appeal decisions (eg. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council are substantially short of ensuring a five year housing land supply. This is important in the context of paragraph 14 of the NPPF.
- 10.5 Para 14 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay, and
  - Where the development plan is silent, or relevant policies are out-of-date, granting planning permission unless:  
*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or*  
*Specific policies in the Framework indicate development should be restricted.*
- 10.6 As the Council are unable to demonstrate a 5 year housing land supply as required by para 49 of the NPPF, relevant policies relating to housing are

considered to be out-of-date. Whilst the Council have submitted the Publication Draft Local Plan (PDLP) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan is currently going through the examination and has not been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.

- 10.7 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.
- 10.8 Assessment of this application requires consideration of three different areas of planning policy. Part of the site lies in the Green Belt, this incorporating the former mill buildings, with the southern portion of the site comprising POL land. A small part of the site located in the south west corner comprises a Housing allocation.
- 10.9 In respect of the Green Belt allocation, the proposed development involves the demolition of the existing mill buildings and the subsequent erection of a number of dwellings (the plans indicate approximately 33 dwellings would be built on the Green Belt part of the site). The applicant has calculated that the volume of the proposed dwellings in the Green Belt would be significantly less than the existing mill buildings. This is on the basis that the existing mill buildings to be demolished have a combined volume of *circa* 74,000m<sup>3</sup> in comparison with the proposed dwellings in the Green Belt which would be approximately 20,000m<sup>3</sup>. As can be seen from these calculations there would be a significant reduction in terms of the impact on openness arising from the proposed development. The submitted plans also demonstrate that the proposed dwellings and employment units would generally follow the footprint of the existing mill buildings. All buildings would be smaller than the existing four storey mill building. Overall the impact on the openness of the Green Belt would be lessened in this regard.
- 10.10 The proposed access road, houses, private gardens and employment units would be located on the areas currently occupied by existing buildings, structures and hardstandings. It is, therefore, considered that the proposal would represent the redevelopment of a previously developed site. In addition, the proposal would not conflict with the purposes of including land in the Green Belt over and above the existing situation. It would also assist in encouraging the recycling of derelict land. Overall the development would comply with para 89 of the NPPF in that it would lead to the regeneration of an existing brownfield site. It is not an inappropriate form of development and there is no need to demonstrate very special circumstances in this case.
- 10.11 The southern portion of the site is allocated as Provisional Open Land (POL) on the UDP. Therefore, policy D5 is applicable in this case:

*On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the long term...*

The subtext to policy D5 clarifies the policy:

*... Urban open land sites assessed as having less quality than those designated as urban greenspace but nevertheless having identifiable value as open land are designated as provisional open land. These sites are also judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided...*

10.12 It is considered that policy D5 is not a policy for the supply of housing in respect of the way in which it relates to paragraph 49 of the NPPF. Therefore, policy D5 is considered to be up to date and given full weight.

10.13 The proposed development on this part of the site is at odds with policy D5 of the UDP partly because the scheme of housing development fails to maintain the character of the land as it stands and fails to retain the open character especially given the parts of the site lies in a more elevated position than other parts of the site. Housing would alter the existing character of the site.

10.14 A small portion of the south western portion of the site is allocated as Housing on the UDP and therefore, the housing proposal is acceptable in this regard.

#### *Emerging Local Plan*

10.15 In respect of the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The Examination in Public commenced in October 2017. The whole site forms a Mixed (Residential and Employment) allocation in the PDLP (ref – MX1912a) and this carries considerable weight. Therefore, the emerging Local Plan is fully supportive of the principle of development as proposed.

10.16 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 216 states:

*From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

10.17 In the PDLP the housing requirement is set out at 31,140 homes from 2013 – 31 to meet identified needs. This equates to 1730 homes per annum. The Council’s current supply position is detailed in the Housing Topics Paper (2017) and this also includes the number of dwellings built since the emerging Local Plan base date of 1<sup>st</sup> April 2013. There has been persistent under-delivery:

Year	Net annual housing completions	Local Plan requirement	Completions compared to Local Plan requirement
2013/14	1,036	1,730	-694
2014/15	666	1,730	-1064
2015/16	1,142	1,730	-588
Total	2,844	5,190	-2,346

10.18 The PDLP includes the application site as a mixed use allocation and is therefore, a site which the Council consider appropriate for housing. The site is allocated as POL, Green Belt and Housing Allocation on the UDP.

10.19 Despite the advanced stage of the PDLP, as it stands the Council is a substantial way off being able to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as advocated by para 14 of the NPPF.

10.20 In summary, the proposals are considered acceptable in principle in Green Belt terms as the proposal comprises the redevelopment of a brownfield site which does not have an additional impact on openness, nor does it conflict with the purposes of including land in the Green Belt. In terms of housing development on POL, the fact that the Council are unable to demonstrate a 5 year housing land supply and the weighted presumption in favour of sustainable development means that housing development is potentially acceptable in principle and potentially outweighs the loss of POL. The proposed housing situated on the housing allocation is also acceptable in principle.

*Sequential Test*

10.21 The application has been amended so that no ‘town centre’ uses are now proposed. Office accommodation is intended to be ancillary to B1 light industry of B8 uses.

*Loss of Employment*

10.22 The current owners of the site (Z Hinchliffe and Sons Ltd) established their company 250 years ago and moved to their present site at Hartcliffe Mills. The company supplies lamb’s wool, Cashmere, Camel and Angora products to UK and worldwide knitwear markets. There are further smaller premises at Birds Edge. The current site was acquired by the applicant as a pre-requirement for a contract with a national retailer 20 years ago. The contract proved unviable and the site was rendered surplus to the company operations.

10.23 The applicant states that the location and characteristics of the site have proved challenging for a number of reasons:

- It is remote from good logistical connections.

- The large differences in levels and the sloping nature of the site make operations difficult and more uneconomic.
- A number of the buildings are redundant, multi-storey buildings, which are highly inefficient for modern manufacturing processes.

- 10.24 Whilst there is re-occupation by small local businesses, these lettings do not generate the income necessary to meet the annual outgoings or maintenance of the buildings and infrastructure. According to the applicant the site generates annual losses for Z Hinchliffe & Sons.
- 10.25 The applicant states that the disposal of this site would be reinvested in the core business at Denby Dale and Birds Edge.
- 10.26 Policy B4 of the UDP requires that regard be had to the effect of any development proposal on the employment potential of an existing site. This site has not attracted any significant business re-use over the UDP plan period which is almost at an end, and for many years before that following the closure of Dobroyd Mills in 1974. It is considered that the nature and location of Dobroyd Mills has contributed to its continued decline. The site is currently occupied by the oil can café and carding shed and limited stock storage for the applicant's business which represents. Most of the vacant space is unoccupied.
- 10.27 The scheme originally proposed the retention of the existing four storey mill building which utilised the lower floors for employment generating purposes, with the upper storeys being utilised for residential flats. The application has been amended so that the existing mill building would be demolished, replaced with 3 modern employment units with a total floor area of over 800m<sup>2</sup> which would generate between 35 and 40 jobs. The proposed units provide better circulation space and would allow the site to more readily fulfil its employment potential as opposed to redevelopment of the existing mill building which is impeded by its layout and age. The proposed mixed use nature of the development proposals is consistent with policies promoting mixed uses as advocated by the PDLP.

#### *Accessibility*

- 10.28 The site lies on the edge of Hepworth and Jackson Bridge settlements but within close proximity of existing housing stock. There are bus stops within walking distance of the site along Butt Lane and Hepworth Road which provide services to the village centre and Huddersfield/Holmfirth. Services run approximately every 30 minutes during the week.
- 10.29 Services within Hepworth village and Jackson Bridge are limited to social/public house. The nearest primary and secondary schools are within 3.2km of the site.
- 10.30 The applicant has undertaken a qualitative of pedestrian routes within proximity of the site. Utilising existing data from the Census, the applicant considers that the site would generate approximately 14 pedestrian movements during peak hours.
- 10.31 The carriageway widths are such that there is no real scope to widen any of the footways without compromising the safe movement of large vehicles. However, linkages to adjacent bus stops are considered to be good with footways of reasonable width and capacity with dropped kerbing being provided in all cases.



- 10.32 There is a public footpath which runs through the site from Hepworth Road to the upper part of the settlement. There is also an existing footpath access from Butt Lane into the site. Consequently, these footpaths could be incorporated into the scheme as part of the subsequent Reserved Matters.
- 10.33 Overall it is considered that whilst there are limitations in terms of the existing road network, typical of many upland settlements in Kirklees, the site is reasonably well positioned to local sustainable transport options and is not isolated and inaccessible.

#### Impact on Character of Surrounding Area and Landscape

- 10.34 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 10.35 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.
- 10.36 The application site is split between open land and existing mill buildings. Approximately 50% of the site is undeveloped, part of the land having being backfilled from the use of the site as a mill. Existing housing is mostly located beyond the western boundary and comprises a mix of pre-war, post-war and newer housing stock.
- 10.37 Owing to levels across the site, the existing building which is to be retained would be well screened by intervening levels and any views would largely be against the backdrop of the existing site, trees and landscape. The proposed housing would also be well screened from the lower slopes of Hepworth close to the site entrance. The proposed housing on a large part of the existing mill site would have limited visibility.
- 10.38 Most of the obtainable views of the site would be from mid-distance with some close-up views from the nearest streets at the rear of the POL allocation. The applicant has submitted a Landscape and Visual Impact Assessment and this demonstrates that impact of the development overall is limited. The most notable views of the site are from the opposing valley sides which face the application site and from the higher slopes which look down towards the site. For example, there would be intermittent views of the proposed housing when viewed from Tenter Hill and the surrounding rural lanes which lie approximately 400m to the north east. There would be views of the site from Dean Bridge Lane on the edge of Scholes. However, any views of the site would be visible against the backdrop of existing development/fields and there are prominent views of the proposed development as a skyline feature is very limited.
- 10.39 The proposed development is positioned adjacent to the established edge of the existing settlement and to that extent the development would protrude into open countryside, but it would also be visible against the edge of the existing

village. The immediate surroundings are notably upland and rural set within a larger area of rolling countryside. The site lies over 3km from the Peak District National Park boundary.

- 10.40 It is clear that for users of the footpaths which run through the site that the development would be unavoidable and would diminish the experience of users of the lane to some extent due to close the proximity of the proposed development relative to the road. However, there is scope within any subsequent reserved matters submission to ensure that the experience of users of the footpaths is not unacceptably harmful.
- 10.41 The loss of the existing four storey mill building would be notable from relatively close up on Chapel Bank and it is likely that the retaining elements required to facilitate the internal site access would also be visible. However, the proposed employment units would create a new frontage onto Hepworth Road, the design of which would be more welcoming than the existing warehouse buildings, which turn their back onto the road. The scheme would not be significantly harmful to the immediate character and appearance of the area.
- 10.42 The POL site would be altered from an expanse of countryside; albeit a parcel of land sandwiched in between existing dwellings and an existing mill complex, to a site with a residential character. In terms of Green Belt there is not considered to be a significant impact on openness. In terms of the impact on the POL land; views would generally be limited due to intervening topography, trees and vegetation. Where views of the site are obtainable, the development would assimilate with the existing urban form and not be a prominent skyline feature. There is not considered to be overriding landscape harm arising as a result of the proposal and the intrinsic character of the wider countryside in this location would not be significantly harmed. The application is considered to comply with policies BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

#### Highways and Traffic Implications

- 10.43 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

*Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 10.44 The application has been accompanied by a Transport Assessment carried out by Via Solution and has been reviewed by Highways DM. This includes an assessment of the impact on New Mill junction and the surrounding highway network. An additional addendum has been provided in order to take into account the amended plans and additional employment units.

- 10.45 The applicant has considered the proposed development in terms of its impacts compared to the existing uses on the site. In terms of current employment generation, the existing site operations include approximately 25 staff vehicles on the whole site. There are also uses on the site which attract customers from offsite – during the middle of the day and weekends, these can amount to 70 to 80 vehicles but at weekday network peak times this reduces to about 5 vehicles. Thus, the potential trips from the site at network peak times can amount to around 30 vehicles per hour.
- 10.46 The initial proposals, which included the conversion of an existing mill building, were anticipated to generate 89 and 88 movements in the AM and PM peaks respectively. This would have resulted in a net increase on to local highway network of about 58 vehicle movements. When this traffic is distributed on to the highway network then the predicted net increase in traffic at the A616 New Mill junction was forecast to be 39 vehicular movements with a developer contribution of *circa* £34,000 required towards improvements at New Mill junction (the junction of Sheffield Road, Huddersfield Road, Holmfirth Road, Penistone Road). Following the submission of amended plans which removes the residential element from the lower part of the site and reduces the residential element by 27no units, the proposed development is anticipated to generate 74 and 72 vehicular movements in the AM and PM peaks based on a worst case scenario. This would likely reduce the amount of traffic at the A616 New Mill junction to approximately 30 movements. However, the applicant has confirmed that they are willing to make a contribution of approximately £33,880 which was calculated on the basis of 39 vehicular movements in accordance with the original submission.
- 10.47 The qualitative assessment of the pedestrian infrastructure / linkages in the vicinity of the development site concludes that the level of provision is typical of a village environment with the linkages to adjacent bus stops considered to be good with a footway with dropped kerbing being provided in all cases.
- 10.48 In terms of the proposed employment units, a total of 30 parking spaces are proposed. This is considered to represent sufficient parking given that the standards applied to light industry would be 18, with only 6 spaces required for storage and distribution uses.
- 10.49 Highways DM final comments will be provided as an update to committee. At the time of writing the report the applicant was in the process of preparing additional information concerning bin collection and servicing issues and questions regarding the Transport Assessment in terms of vehicular movements associated with the proposed employment units.

#### Residential Amenity

- 10.50 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

- 10.51 Policy BE12 of the UDP provides guidance on appropriate separation distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 10.52 With regards the proposed residential development (outline); a number of properties are potentially located within close proximity of properties on Kemps Way and Hepworth Crescent. As this element of the scheme has been submitted in outline form, the design and layout of the scheme has yet to be determined. However, it is considered that there is sufficient room within the scheme in order to ensure that the development meets spacing standards in order to ensure no unacceptable impact on the nearest residential properties. The application is considered to comply with policy BE12 of the UDP and PLP24 of the PDLP.

#### Flood Risk and Drainage

- 10.53 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 10.54 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.
- 10.55 Most of the proposed development lies in Flood Zone 1 (lowest risk of flooding from rivers or sea). This includes all of the proposed housing development which is the subject of an outline application. However, a small area of land adjacent to the site entrance and Hepworth Road lies in Flood Zone 2 and 3 and this would affect proposed unit one which is proposed in this flood zone. The submitted FRA asserts that the flood risk map is misleading as the water level passes under the site via a culvert. It is also the case that there is an existing building (which would be demolished) which sits on this part of the site. Comments on this aspect are awaited from the Environment Agency and Drainage Officer and will be reported to planning committee as an update.
- 10.56 Surface water currently discharges from the site into a watercourse. The proposed development proposes to drain both the housing and employment areas in the same manner. However, surface water drainage would be restricted to 70% of the existing runoff with undeveloped areas restricted to greenfield runoff. Attenuation would be provided on site for the 1 in 100 year storm event plus an allowance for climate change.
- 10.57 In terms of the outline element of the proposed development, the Council's drainage officer originally assessed the outline proposals and raised no objection in principle subject to the imposition of appropriate conditions.
- 10.58 The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
  - 2 – to a surface water body
  - 3 – to a surface water sewer, highway drain, or another drainage system
  - 4 – to a combined sewer

In terms of the above, the scheme is considered to be in compliance with the hierarchy subject to additional conditions requiring further investigation and details, to be imposed as planning conditions.

- 10.59 Flooding from rivers and watercourses on the site is very low with a high risk for a relatively small area (flood zones 2 and 3) on the north eastern and north western boundaries. There were objections to the proposed development from the Environment Agency providing that development in the high risk zones is avoided but further comments are awaiting following the submission of amended plans.
- 10.60 Foul water would be discharged into the existing sewers in Hepworth Road; subject to further investigation.
- 10.61 Subject to the imposition of appropriate conditions there are no objections to the drainage proposals.

#### Ecological Issues

- 10.62 UDP policy EP11 requires that application incorporates landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.63 Dean Dike and associated woodland within the Site boundary to the west provide areas of higher value habitat, which is included within the Kirklees Wildlife Habitat Network. A small spur of this woodland and allocation extends into the site and may be lost to make way for the development; depending on the final details submitted.
- 10.64 The applicant has submitted an ecological appraisal which is considered to sufficiently address the potential for the scheme to impact on biodiversity interests. A further bat survey was submitted mainly concerning the existing mill building. The Council's biodiversity officer is generally satisfied with the proposals subject to the following conditions:
- Landscape scheme with details of planting to mitigate loss of KWHN
  - Landscape and Ecological Management Plan (LEMP) referencing the landscape scheme.
  - Brief management plan/method statement for the eradication of invasive non-native species.
  - Lighting Strategy with particular attention paid to avoiding impacts to KWHN, which has been demonstrated to be used by foraging/commuting bats.
- 10.65 There are a number of areas of protected trees within the application site. There is a large area of protected woodland surrounding the pond to the north and to the proposed development would largely avoid these trees. In terms of the impact on TPO'd trees within the site; there are no objections from the tree officer subject to the reserved matters providing a further arboricultural

assessment. In addition the tree officer requests enhancement of the woodland as amenity spaces, which will also help mitigate the impact of the proposed development. The woodland TPO surrounding the pond should also be subject to a woodland management strategy. Furthermore, it is considered necessary to subject the pond area and woodland to an ecological enhancement strategy in order to ensure that it is appropriately incorporated into any subsequent area of POS which would come forward at reserved matters stage.

- 10.66 Overall and subject to conditions the application is considered to represent an acceptable development from a biodiversity perspective, compliant with condition EP11 of the UDP and the NPPF.

#### Heritage Issues

- 10.67 Section 66 (1) of the Listed Buildings Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Para’s 126-141 of the NPPF are relevant to the determination of applications affecting heritage assets.
- 10.68 In close proximity to the west boundary of the application site lies the Grade II listed Church of the Holy Trinity. Built in 1863, it is of Gothic revival style with hammer dressed stone and ashlar dressings. The north boundary of the Church is also the Conservation Area boundary of Hepworth. The outline element of the scheme would potentially impact on the setting of the Church; albeit that the full impact would be realised as part of the reserved matters.
- 10.69 The indicative layout details an area of POS within the western portion of the site and close to the existing church and Conservation Area. However, it is more than likely that the proposed development would result in some impact on the setting of these heritage assets; albeit that the impact is considered to be less than substantial.
- 10.70 The main impact in this case concerns the demolition of the existing mill buildings, including the main stone built four storey mill building. The four storey, former spinning mill building has been neglected and has remained disused for some time. English Heritage (now Historic England) assessed the mill building in 2011 to ascertain whether it met the necessary requirements to be a listed building. Within this assessment, which also covered the whole Dobroyd Mill complex, the following conclusions were made:
- *Architecture: the architecture of the buildings at Dobroyd is typical of its type rather than special, and most of the extant buildings are of very plain modern construction.*
  - *Date: the mill was established towards the end of the major phase of integrated mill expansion in the C19 so is not an early example.*
  - *Integrated Site: although Dobroyd does have a range of elements found at integrated mill sites, of the C19 mill only the spinning mill and a reduced chimney survive, while other buildings are largely generic in type and do not include vital components such as engine house or boiler house.*

- *Alteration: while development over time can add interest to an industrial site, the alterations and losses at Dobroyd have served to diminish its significance.*

*Dobroyd Mill does not demonstrate the level of intactness, innovation or technical interest which would justify designation in the national context.*

10.71 As a consequence of the above, none of the buildings within the site were listed. However, the existing spinning mill building in particular has some architectural and historic value and thus it is considered to comprise a non-designated heritage asset of importance locally. The building comprises coursed dressed gritstone with an external stair block on the east side with a keyed arched entrance. There are a series of loading doors and round arched windows.

10.72 Para 135 of the NPPF states the following:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

10.73 The existing mill building has been surrounded by more modern, utilitarian additions which have significantly screened views of the building from public vantage points. There are, however, prominent views of the building from parts of Hepworth Road and Chapel Bank to the east. It is not considered that the loss of the building would significantly impact on the character and the appearance of the area as it stands in context. However, it also considered that the building has a degree of significance arising from its architectural and historical context and as a local landmark building; albeit that such merits are typical of the age of the building rather and do not render the building special.

10.74 Therefore, the loss of the existing mill building would cause considerable harm to the identified significance of the non-designated asset and would result in the loss of a building which cannot be replaced, contrary to para135 of the NPPF.

10.75 Conversely, there are clear constraints in development this part of the site for employment purposes if the existing mill is to be retained. The layout of the existing mill building does not easily lend itself to providing significant employment floor space due to the requirement for servicing, parking and manoeuvring. Therefore, the initial submission included residential accommodation in the upper floors of the buildings but this was at the expense of additional employment floorspace. Additional public benefits are evident concerning the proposal to redevelop the wider site for housing in order to support the mixed use allocation in the emerging local plan.

#### Planning Obligations and Developer Contributions

10.76 In accordance with para 204 of the NPPF planning obligations should only be sought where they meet the following three tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

### *Education Provision*

10.77 Para72 of the NPPF states that great weight should be given to the need to create, expand or alters schools. In line with the requirements for 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional school places. In order to address the additional pressure on local schools, the Council Education section requires the following contribution:

Total of £271,237 comprising £138,262 to Hepworth Junior and Infant School and £132,975 to Holmfirth High School.

### *Public Open Space*

10.78 Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. This would be detailed as part of the reserved matters submissions. There is sufficient space within the site, and the context of the site lends itself, to providing POS within the site boundary. The applicant has confirmed that the area of woodland surrounding the pond is within their control and there is opportunity to incorporate POS into this area.

### *Affordable Housing*

10.79 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. A condition is recommended requiring details to be submitted with the Reserved Matters.

10.80 The National Planning Policy Guidance (NPPG) provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is demolished to be replaced by a new building, the NPPG guides that a financial credit equivalent to the existing floorspace of the relevant vacant buildings should be offered. Affordable housing contributions may then be required for any increase in residential floorspace above this benchmark.

10.74 In terms of local guidance, the Kirklees Interim Affordable Housing Policy SPD references the NPPG in respect of vacant building credit and it is considered a material consideration. The Council have consistently applied vacant building credit to other sites throughout the Borough in line with this guidance. In this case vacant building credit has been calculated on the following basis:

- The total existing accommodation on site is approximately 18,071m<sup>2</sup>.
- The occupied space on the remainder of the site is 5,967m<sup>2</sup>.
- The remaining vacant space is 12,104m<sup>2</sup>. This includes the proposed four storey building which is now to be demolished.
- The indicative new-build element (75 units) has been estimated at 125m<sup>2</sup> per dwelling. This is the multiplied by 75 to give a total floor space of 9,375m<sup>2</sup>.

10.75 Based on the above, the site would not be subject to affordable housing given the amount of vacant building credit. However, the final details of the size of each individual dwelling would come forward at reserved matters stage which would determine if affordable housing was applicable and this could be secured as part of a S106 agreement.

### *Local Transport Infrastructure Mitigation and Improvements*



- 10.76 A developer of approximately £34,000 is required towards New Mill junction improvements. See highways section of the report.
- 10.77 West Yorkshire Combined Authority has requested the following S106 public transport contributions:
- a) £10,000 for a 'live' bus information display
  - b) £45,676.95 for RMC's (Residential Metro Cards) – final amount to be confirmed by update.

#### Other Matters

- 10.78 The application was accompanied by a phase I/II report which stated that the site was uncontaminated. Environmental Health has assessed the report and raises no objections.
- 10.79 In respect of air quality, the application has been assessed against the West Yorkshire Low Emission Strategy Planning Guidance. In accordance with the guidance the installation of 1no electric charging point is required per unit or 1 charging point per 10 spaces and this would be secured by planning condition.

### **11.0 Planning Balance**

- 11.1 The application site lies adjacent to the Hepworth village boundary on an area of land allocated as Provisional Open Land, Housing Allocation and Green Belt on the UDP. The demolition of the existing mill buildings and the subsequent development of the site for housing and employment purposes is considered to comply with Green Belt policy as the impact on openness would be less than existing situation. The application is compliant with the criteria set out in para 89 of the NPPF. In terms of the impact on the POL allocation; it is inevitable that development on any greenfield site would mean a loss of landscape quality because there would be buildings in place of open land. The impact on local views such as the footpaths which run through and close to the site would be unavoidable. However, longer distance views of the site are limited and subject to reserved matters, a scheme could be designed so as to reduce the impact on the POL allocation as far as practicable.
- 11.2 The scheme has been amended. The revisions involve the demolition of the existing four storey mill building which is considered to represent a non-designated heritage asset of local interest. The loss of this mill building would cause considerable harm to its identified significance. However, the existing mill building has been affected by more modern utilitarian developments surrounding it and has suffered from neglect. Additionally, the building reduced the potential functionality of the lower part of the site and made it difficult to accommodate a good mix of employment generating uses. The revised scheme comprises two modern, well designed buildings utilising traditional materials which would be capable of accommodating small business units, thus significantly improving the employment offering in line with the aspiring Mixed Residential and Employment allocation of the site as set out in the emerging Local Plan.
- 11.3 In addition, the Council are unable to demonstrate a five year housing land supply and the NPPF seeks to boost significantly the provision of housing. The scheme represents the comprehensive development of a site which has suffered from neglect and economic inactivity over the years. It is considered

to represent a site with significant development constraints given the number of existing buildings which would need to be removed and the significant engineering challenges associated with addressing topography. Consequently, the proposed development would positively address these issues and constitutes a mixed use scheme in line with existing and emerging policy.

- 11.4 There would be no unacceptable harm in relation to highway safety, drainage/flood risk, living conditions and ecology, subject to the conditions proposed. Infrastructure provision would be dealt with by a S106 Agreement that would include improvements at New Mill junction. The scheme is fully compliant with policy requirements.
- 11.5 Whilst there is potential impact on none designated heritage assets in this case; the impact is considered to be less than substantial and outweighed by the public benefits including the partial redevelopment of a previously developed site for a mix of uses including needed housing. The reserved matters would allow the scheme to come forward in a manner considerate to the heritage constraints.
- 11.6 In conclusion, conflict with UDP policy D5 and other impacts identified, including the impacts on a non-designated heritage asset, are outweighed by other considerations and overall the proposal constitutes a sustainable form of development. The adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits.
- 11.7 As this is a hybrid application it constitutes two applications (outline for proposed housing and full application for the change of use of the building). Consequently, two separate lists of conditions are proposed. Whilst the scheme is split into two distinct proposal, the proposed outline housing is intrinsically linked to the full application as the outline relies on the access road being built implemented as part of the full application. A condition is proposed requiring a full phasing scheme to ensure that a mixed use development is delivered.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

### Outline

1. 3 years
2. Approved plans
3. Reserved Matters
4. Finished Floor Levels
5. Boundary Treatments and details of materials
6. Foul, surface and land drainage details to be submitted and agreed
7. Overland flood routing details to be submitted and agreed
8. Temporary flood routing details to be submitted and agreed
9. Construction Method Statement
10. Remove PD rights for outbuildings and rear extensions to properties
11. Habitat enhancement
12. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
13. Crime prevention
14. Electric charging points

15. Parking spaces prior to occupation
16. Lighting Strategy
17. Ecological Enhancement Strategy and woodland strategy for pond area and across site
18. Demolition method
19. Phasing

#### Full application

1. 3 years
2. Approved plans
3. Demolition Method Statement
4. Parking areas to be provided prior to occupation.
5. Details of uses to be submitted and agreed.
6. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
8. Crime prevention
9. Electric charging points
10. Lighting Strategy
11. Ecological Enhancement Strategy
12. Opening/operating hours to be agreed
13. Boundary Treatments
14. Details of retaining elements and design
15. Phasing to ensure employment units provided
16. Natural local stone to be used in elevations of employment units
17. Servicing arrangements to be submitted and agreed.

#### **Background Papers:**

Planning application details - <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90620>

Ownership certificate served 23/02/2017

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 08-Mar-2018

**Subject: Planning Application 2018/90074 Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping Land Off, Lindley Moor Road, Huddersfield, HD3 3TD**

#### APPLICANT

Rybrook Cars Limited  
and Stirling Scotfield  
(Huddersfield) LLP

#### DATE VALID

04-Jan-2018

#### TARGET DATE

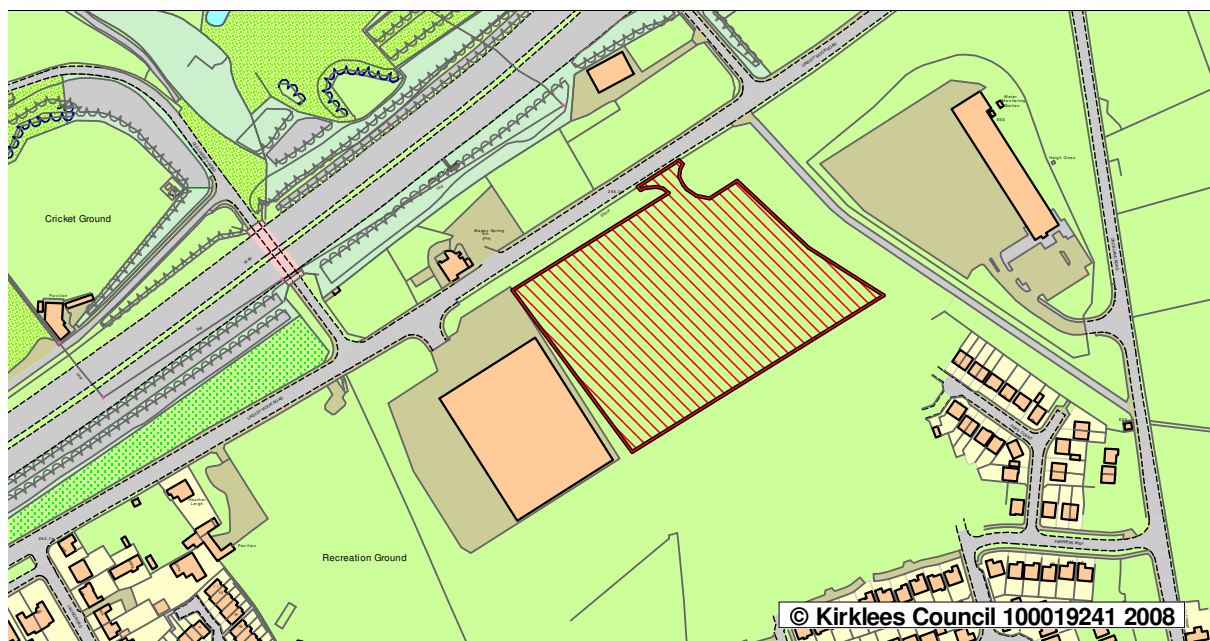
05-Apr-2018

#### EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected: Lindley**

Yes

Ward Members consulted.

**RECOMMENDATION:**

Delegate Approval of the application and the issue of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

1.1 This application is brought to Strategic Committee as it comprises a non-residential development, in excess of 0.5ha, in accordance with the Councils Delegation Agreement.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site comprises an area of approx. 0.55ha and is located on the southern side of Lindley Moor Road, Lindley. The site is flanked to the west by a recently completed and occupied industrial building (Lesjofors Springs), and to the east, beyond a public footpath an area occupied by Macs Trucks.

2.2 This entire area was part of a much larger mixed use approval for both residential and employment use 2016/93136, with this area comprising 2 development platforms, either side of the public right of way. Platform A to the west comprising 2 sites A1 (now occupied by Lesjofors Springs) and A2 (the site the subject of this application), and Plot B now occupied by Macs Trucks.

2.3 The development platforms and associated access points and footways have been provided in accordance with the agreed phasing of the overall approval.

2.4 To the south of this site, and both Plots A and B is an approval for a 30m landscaped buffer zone, beyond which is the residential development, facing onto Crosland Road, currently under construction by Harron Homes and Taylor Wimpey.

2.5. The site is part of a much larger employment allocation on the Unitary Development Plan, and a much larger mixed use (housing and employment) allocation on the Emerging Local Plan. The dealership would be Rybrook Cars, showrooms occupied by Land Rover and Jaguar.

### **3.0 PROPOSAL:**

- 3.1 Full permission is sought for the erection of a motor car dealership, comprising 2 car showrooms, workshops and MOT areas, ancillary offices, car parking and display areas. The total floor area would be 5,563 sq m.
- 3.2 The building would be an elongated rectangular structure, with the narrow edge facing onto Lindley Moor Road. The building will be approx. 8m high, with the lower part of the frontage and side elevations glazed, either side of a central access point. In addition to the glazing the building would be clad in Sunshine Grey cladding, with a recessed feature above the central access point in Champagne Grey cladding.
- 3.3 The rear portion of the buildings (containing workshop areas etc) extends towards the rear of the site, and this is to be constructed of silver grey cladding.
- 3.4 Access to the site is taken from Lindley Moor Road, to the east of the building, and serves 2 parking and service areas, one for each showroom either side of the building, which is centrally located within the site. There is a soft landscaped strip between the site and the rear edge of Lindley Moor Road. There is a small substation proposed adjacent to the main entrance.
- 3.5 Up to 87 people (full and part time) would be employed within the scheme and the typical opening hours would be:
- o Monday- Friday 07.00-19.00;
  - o Saturday - 08.00-17.00; and
  - o Sunday- 10.00-16.00

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 Previous applications on this site and Housing allocation H8.17 are listed below:

98/992536 - Erection of 325 dwellings and garages

98/92256 - Provision of public open space and landscaping

Both of these were dealt with by the Secretary of State following a public inquiry and the residential appeal was dismissed on the grounds there was a supply of previously developed land for development, and as such release of the green field sites was premature.

The appeal for the open space was allowed.

2000/93276 - Outline application for employment and business use comprising industrial, commercial and storage units with ancillary facilities, road and parking- Withdrawn August 2005.

2009/92550 - Outline application for a Data campus and formation of access from Lindley Moor Road. (This is the same site as the current application) Refused.

Reason for refusal:

*“The application relates solely to part of an industrial allocation, B8.1 in the Kirklees Unitary Development Plan. Footnotes specify that this allocation should be developed comprehensively with Housing allocation H8.17. As such the application is contrary to the Kirklees Unitary Development Plan.”*

This was the subject of appeal which was withdrawn following the approval of 2011/91518 (listed below).

2011/91518 - Outline application for Data Centre Campus with formation of access off Lindley Moor Road. Approved subject to a Section 106 agreement

2011/91519 - Full application for residential development (294 units) and associated works including the demolition of existing buildings, construction of new accesses from Cowrakes Road and Weatherhill Road, footpath, drainage, earthworks, provision of public open space and landscaping. Approved subject to a Section 106 agreement

NB Both of the above applications were considered concurrently and in relation to a comprehensive development framework. Both of the Section 106 agreements include an appropriate financial contribution towards infrastructure improvements within the area.

2014/92214 – Full application for 30 no dwellings. Approved

2014/93136 – Demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit Plot B - (50,000sqft/ 4648 sqm) with access from Crosland Road. Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping.

2016/90613. Reserved Matters on Plot A1 (Lesjofors)- Approved and implemented.

2016/92055. 109 dwellings land off Crosland Road, Huddersfield-Approved.

2016/92870 Reserved Matters on Plot B (Macs Trucks) Approved and implemented.

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 Additional justification has been requested and received regarding the final surface water run off rate from the site.

5.2 Clarity on the location and access to the electricity sub-station has been provided.

## **6.0 PLANNING POLICY**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan



unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

### **Development Plan:**

#### Site allocation:

The site is allocated for business, general industry and storage and distribution use (allocation B8.1) whilst the southern and eastern parts are allocated as buffer zone to the employment allocation. (Policy B3).

This site is part of a larger site, that is allocated a mixed use (employment and residential), on the Emerging Local Plan.

#### UDP policies:

B1 – Employment needs of the district  
B3 – Buffer zones  
BE1 – Design principles  
BE2 – Quality of design  
BE9 – Archaeological value  
BE10 – Archaeological evaluation  
BE12 – Space about buildings  
BE23 – Crime prevention  
D6 – Green corridors  
T10 – Highway safety  
T14 – Safeguarding existing pedestrian routes  
T16 – Providing safe and attractive pedestrian routes within new development,  
T17 – Developments to meet the needs of cyclists  
T19 – Parking standards  
G6 – Land contamination  
H1 – Housing needs of the district  
H10 – Affordable housing  
H12 – Arrangements for securing affordable housing  
H18 – Provision of open space  
EP6 – Noise generating development  
EP11 – Ecological landscaping  
EP12 – Overhead power lines  
EP4 – Noise sensitive development

## Emerging Local Plan Policies.

Site part of allocation MX1911 Mixed Use site (Residential and Employment)

PLP1 Presumption in favour of sustainable development

PLP3 Location of new development

PLP20 Sustainable Transport

PLP21 Highways safety and access

PLP22 Parking

PLP24 Design

PLP27 Flood Risk

PLP28 Drainage

PLP30 Bio-diversity and Geo-diversity

PLP51 Protection and Improvement of Air Quality.

PLP53 Contaminated and unstable land

## **National Planning Policy Framework:**

Part 1 - Building a strong competitive economy;

Part 2 - Ensuring the vitality of town centres

Part 4 - Promoting sustainable transport;

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Promoting good design

Part 8 - Promoting healthy communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change.

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been publicised by site notices, and in the local press.

One letter of representation has been received which supports the scheme, as it will generate business in the local area and reduce congestion in the town centre.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways DM.** No objections in principle recommend conditions

**Environment Agency.** No objections .

**Yorkshire Water Authority-** No objections recommend conditions.

### **8.2 Non-statutory:**

**KC Environmental Health-** Recommend conditions.

**Lead Local Flood Authority-** Requested updated information regarding agreed discharge rates, and the impact on the already agreed drainage strategy across Plots A and B,

**Police Architectural Liaison Officer-** Requests a condition requiring the submission of a scheme including crime prevention measures. These to include

- Adequate boundary treatments;
- External Lighting Plan;
- External CCTV system;
- Intruder alarm systems

## 9.0 MAIN ISSUES

- Principle of Development
- Highways Issues
- Impact on Amenity;
- Landscape and Bio- diversity Issues;
- Drainage Issues;
- Environmental Issues;
- Crime Prevention.

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is part of a larger employment allocation on the Unitary Development Plan, and already has the benefit of an outline approval for Class B1(b&c) (Business Use-Research and development of products and processes & Light industry) and B2 (General Industrial) use, with the development already provided.
- 10.2 The car dealership does not fall into the B1, B2 use categories being a sui generis use, and as such a full application is required for the use as well as the building and associated works. The proposal will deliver new investment in the north Kirklees area, including up to 87 jobs (full and part time), in a sustainable location. Also this development would complete the development of the delivery of the employment uses approved along the frontage of Lindley Moor Road, with all 3 plots being taken and occupied.
- 10.3 It is not considered that to permit this sui generis use conflicts with the Council's Development Plan and is not classed as a departure. This plot is one of 3 within the outline consent and taken as a whole the mix of sui generis and predominantly general industry is not considered to be a significant deviation from the UDP allocation. This use is similar and compliments the uses on the neighbouring plots, in particular Max Trucks. No objection is raised to the use of the site.
- 10.4. Other relevant policy issues affecting this site relate to the provision of a buffer zone, and the retention of a green corridor route along the Lindley Moor frontage. Both of these matters are dealt with in subsequent sections of this appraisal.

### Highways Issues

- 10.5. This site comprises part of a larger employment permission, which in turn is part of the larger Peat Ponds mixed use development (residential and employment) approved in 2016. In turn the Peat Ponds development, and the highway implications were considered against the Comprehensive

Development Framework, developed to deliver the necessary infrastructure improvements for both of the Lindley Moor allocations ie the Residential (Lindley View off Weatherhill Road, now substantially complete), and the Employment allocation, which included the Peat Ponds mixed use.

- 10.6. Set against the Comprehensive Development Framework, the Employment section of the Peat Ponds mixed use scheme, has delivered its share of the necessary funding towards the infrastructure improvements (and these are secured via existing Section 106 Obligations).
- 10.7. The level of contribution is based upon the level and type of traffic generation from each part of the development. The application is accompanied by a Transport Statement identifying the traffic generation associated with this type of use, and it is not considered that it will be significantly different from the approved B1, B2 (b&c) uses, or those of the neighbouring uses. As such it is considered that the proposed dealership, and the nature and extent of the traffic use, is in accordance with the level and types of uses originally envisaged, and the existing contributions to the infrastructure improvements are satisfactory.
- 10.8. The access off Lindley Moor Road, is as already agreed as part of the Peat Ponds mixed use approval. This site is plot A2 of that approval, and the siting and site coverage are no greater than was indicated at the outline stage. The Outline approval has conditions imposed upon it to secure the provision of the access point, and the necessary footpath improvements and white lining arrangements within Lindley Moor Road to afford safe vehicular access to this site, and pedestrian improvements
- 10.9. Within the site the circulation for vehicles is considered acceptable, with each franchise having its own car park, display and delivery working areas, adjacent to its main showroom. These areas are extensive and provide for 101 parking spaces, 1 cycle spaces and 4 no spaces allocated for disabled users. In addition to these spaces there service and delivery areas to the rear of the site associated with the workshop element of each of the franchises. These areas are accessed via the car park areas, through a gateway within the security fence.
- 10.10. The level of parking and delivery service space is considered to be satisfactory, and should avoid any parking outside of the site.
- 10.11. Conditions are recommended to secure the provision and completion of necessary road and infrastructure improvements prior to the Dealership being brought into use, and subsequent maintenance of the parking and service area, the delivery and appropriate sight lines and visibility, and the production of a Travel Plan

#### Impact on Amenity

- 10.12. Visual Amenity The building is to be set back a considerable distance from the back edge of Lindley Moor Road, and whilst it will be 8 m in height, it is of a comparable scale and design to the neighbouring industrial units, already completed and in operation. The building is a high tech contemporary design incorporating substantial areas of glazing for the showroom sand a central entrance feature. This style and appearance are usual and appropriate for such

uses in areas surrounded by such uses, and as in this case reflect corporate designs and templates.

- 10.13. The scheme in addition in addition to being set back from the back edge of the pavement, is also set behind a landscape strip, which is located between the back edge of Lindley Moor Road, and the access/parking in front of the proposed building. This landscaped area links through with an adjoining area to the front of Lesjofors to the west, and the green buffer to the public footpath to the east.
- 10.14. As such it is considered that the impact upon the visual amenities in this area is acceptable.
- 10.15. Residential Amenity The residential amenities most affected by this scheme (and indeed any of the Employment uses fronting onto Lindley Moor Road are the proposed dwellings to the south, approved as part of the Peat Ponds mixed use development. Between this site and the residential units is a 30m planted buffer zone, that has been relocated to safeguard residential amenity and provide visual relief, in accordance with the objectives of Policy B3 ( Buffer Zones) in the Unitary Development Plan.

#### Landscape/ Bio diversity issues

- 10.16. The scheme provides for soft landscaping to the front of the site adjacent the road, and linking to the neighbouring landscaped areas. These areas represent the line of a green corridor as identified on the Unitary Development Plan, and have been identified and retained as part of the Lindley Moor masterplan exercise to deliver a green infrastructure framework throughout and across the site. This framework for example also includes the planted buffer zone area.
- 10.17. The provision planting and subsequent maintenance of these areas is secured through a condition on the outline approval, and there is also a Landscape Management Plan that has been prepared and approved for the whole Peat Ponds site.
- 10.18. Aside from the soft landscaping and the provision of appropriate species, there is little opportunity (given the nature of the use and probable vehicle circulation), that successful roost opportunities could be sited on any of the buildings. However there will be a lighting condition required, which will cover the rear service areas adjacent to the wooded buffer zone, where there is ample opportunity for bio diversity enhancement.

#### Drainage Issues

- 10.19. This proposal is a re-plan of part of the Employment element of the Peat Ponds mixed use approval, that was the subject of drainage conditions , which have been negotiated and discharged. The amended use, and building shape, have not impinged upon any of the agreed or relevant routings for both foul and surface water, for serving either the front or rear of the site.
- 10.20 Additional information and clarification is being provided regarding the final surface water run off rates for this site, which would usually be at least 5l/s (green field run off). This matter should be agreed by the date of the Committee, but is in view of the existing approval, something that could, if necessary be covered by condition.

## Environmental Issues

- 10.21. The site has been remediated, and the development platform provided, under the terms of the outline approval, ready to receive the new development. Noise is not an issue in this particular location with the nearest residential units being screened by a 30 m buffer zone.
- 10.22. A Lighting scheme will be required to provide security for this use and surrounding areas, (it is possible that the adjacent public right of way and cycle path, could benefit from some "borrowed" light on the eastern boundary. Also the lighting in terms of its intensity and sensitivity towards potential woodland habitat, would need to be carefully considered via the condition.
- 10.23. The whole of the Peat Ponds mixed use scheme, was subjected to an Air Quality Assessment that was considered in relation to the West Yorkshire Low Emissions Strategy. The level of impact was identified for both emitters and receptors, and found to be within acceptable limits. The levels of emission were quantified and monetised and mitigation measures identified and funded. These include the provision, and improvement of the public right of way, and the provision a cycle route. The relevant contributions for this site have already been secured via the outline approval, however the production of a bespoke travel plan would be required and this will be the subject of a condition.

## Crime Prevention

- 10.24. There is no objection to the principle of this development, but there are a number of security issues and risks associated with this type of use. It is recommended that a condition be imposed which requires the submission of a scheme identifying crime prevention measures for the site, which in this case would include lighting details, CCTV; boundary treatments and site management.
- 10.25. Adding a crime prevention condition will satisfy Policy BE23 of the Unitary Development Plan, in this case.

## **11.0 CONCLUSION**

- 11.1 The proposal would deliver the development of the final plot (A2) of the Employment element of the approved Peat Ponds mixed use scheme, with an acceptable use providing inward investment into the area, and up to 87 jobs (full and part time). The implementation and satisfactory completion of conditions on the outline approval, have provided for a site ready to receive this new development
- 11.2 Access and traffic arrangements proposed correspond to the site wide highways and transport strategy, already agreed and the internal arrangements are acceptable.
- 11.3 The buildings style and appearance is considered appropriate, given its use, and its location next to other industrial uses with similar style buildings.
- 11.4. As such there is no objection to this scheme, and no objection is raised subject to the imposition of appropriate conditions

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. 3 years to commence the development
2. Develop in accordance with approved plans
3. Samples of materials
4. Details ,of boundary treatments
5. Landscape details
6. Highway conditions  
Visibility splays; provision of footpath along Lindley Moor Road; surfacing and drainage of the car park and service areas; construction management plan; provision of a Travel Plan; provision/ completion of outstanding infrastructure works required under the outline approval, prior to the Dealership being brought into use( Grampian).
7. Lighting condition
8. Crime Prevention condition
9. Drainage conditions

**Background Papers:**

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed:

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 08-Mar-2018

**Subject: Planning Application 2017/93925 Erection of 3No. retail units and associated works (within a Conservation Area) Land at Junction of, Cemetery Road and Mayman Lane, Batley, WF17 8PG**

#### APPLICANT

Binks Developments  
Limited

#### DATE VALID

16-Nov-2017

#### TARGET DATE

15-Feb-2018

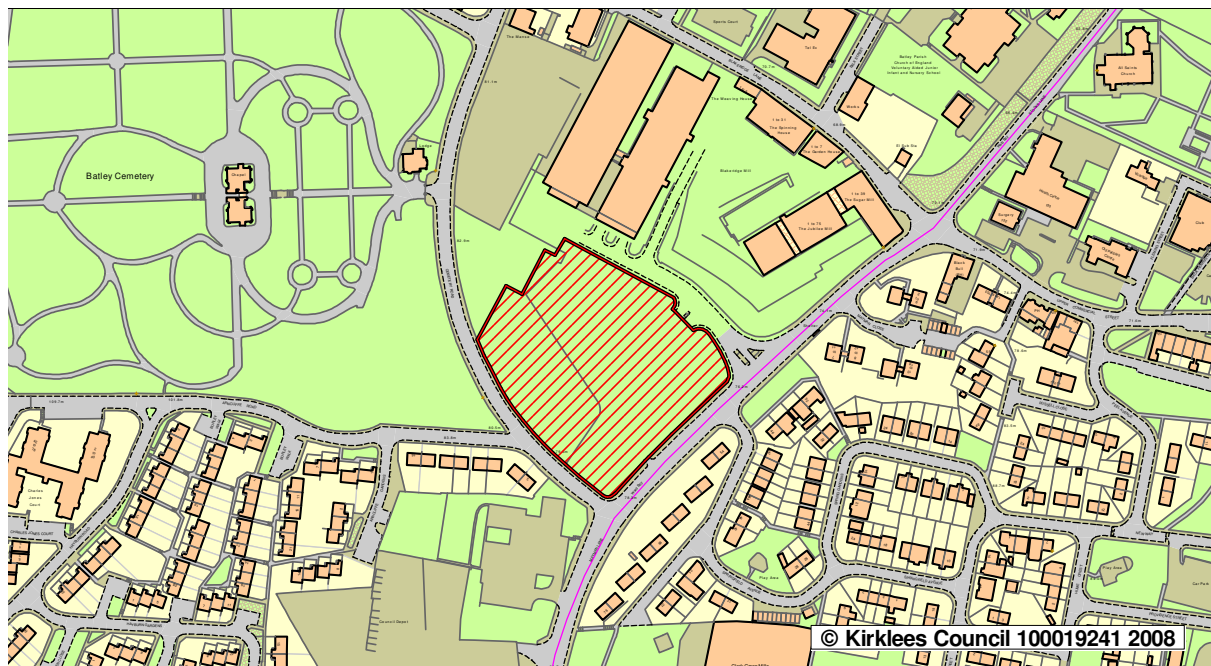
#### EXTENSION EXPIRY DATE

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

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## Electoral Wards Affected: Batley West

Yes

Ward Members consulted  
(referred to in report)

### **RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

### **1.0 INTRODUCTION:**

1.1 This application is brought to Strategic Committee in view of the retail floor area proposed that exceeds 1250m sq and the site area exceeds 0.5Ha, in accordance with the Councils Scheme of Delegation.

### **2.0 SITE AND SURROUNDINGS:**

2.1 The application site comprises an area of 1.19 ha, and is located at the junction of Maymam Lane, and Cemetery Road, in Batley just to the North West of the Batley Town Centre. The site is a portion of the much larger complex of mill buildings known as Blakeridge Mills. Former structures on this part of the Blakeridge Mills complex have been removed, and the site is cleared. The remainder of the Blakeridge Mill complex has the benefit of approval for apartments (and associated facilities) and is currently being developed out with a significant number of units now completed and occupied.

2.2 The site is within the Cross Bank Conservation Area, and there are a number of listed buildings in the area, including the Cemetery Lodge, its front boundary wall and railings.

2.3 There are also a considerable number of mature trees that are protected by the conservation area status. These trees, particularly on the cemetery road boundary are an important feature within the conservation area.

2.4 The site is allocated a potential employment land on the Unitary Development Plan, and not subject to any specific allocation on the emerging Local Plan. However there is an extant approval for a supermarket on this site.

### **3.0 PROPOSAL:**

3.1 Full permission is sought for the erection of 3 no retail units in the form of a terrace, in the SW section of the Blakeridge Mills complex, facing onto Maymen Lane, and with the side and part of the rear elevation backing onto Cemetery Road.

3.2 The gross floor area of the development will be 3,948 sq m, with a garden centre area of 697 sq m.

- Unit 1-2,323, sq m plus the garden centre area (potential occupier B&M as a home and garden format store) open non-food consent, with 20% allowance for food sales.
- Unit 2- 929 sq m, open A1 use
- Unit 3- 697 sq m, open A1 use

Units 2 and 3 still to be let.

- 3.3 Access to the scheme is taken off the already approved and constructed access road into Blakeridge Mills complex. This would serve a car park area of 159 spaces between the new units and Maymen Lane. In addition to the rear of the 3 no retail, units there would be a turning/ loading area, for all 3 units and the Garden centre area. This area would be gated. A small sub-station is proposed next to unit 3.
- 3.4 A pedestrian link is proposed from Maymen Lane into the site, to the front area, at the junction between Units 1 and 2.
- 3.5 The buildings proposed will be between 9 and 10 m in height, and incorporate a range of materials including split faced stone, brickwork and vertical timber cladding to the principle elevation. Unit 1 is a flat roofed structure, which then links to units 2 and 3 which incorporate a similar north light roof structure to that which is already in place on the top of the main Blakeridge Mill.
- 3.6 The application is accompanied by a landscape scheme, which provides for planting along the western boundary of the site, planting within and across the car park areas, and to the northern edge of the site between Unit 3 and the loading area.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 2006/91249 Conversion of mills to 380 apartments, offices and outline application for 120 houses and associated infrastructure- Approved subject to a Section 106 Agreement.
- 4.2 2007/92389 Conservation Area Consent for the demolition of 2 no workshops- Approved.
- 4.3 2010/92660 Formation of alternative access and alterations to boundary wall – Approved.
- 4.4 2011/91076- Reserved Matters application for erection of 120 units- Still undetermined part of this site is included within the current application site as parking; -Withdrawn
- 4.5 2011/90287- Re-use of mills to form 181 no apartments with internal car parking and alterations to the former go karting building, and reaction of retail food store and petrol station- Approved.
- 4.6 2016/90137-Erection of discount food store and outline application for family pub/ restaurant- Approved.

- 4.7 2016/90485- Modification of Section 106 Agreement for previous permission 2013/90287 on viability grounds- Approved removing affordable housing, education and monitoring fees contributions).
- 4.8 2016/93740 - Change of use and conversion of mill buildings to form an additional 104 apartments. Approved and under construction.
- 4.9 2017/93929- Alterations to car park and associated landscaping Blakeridge Mills, Maymen Lane- This application to be determined at Officer level, involves a re-plan of part of the Mills complex car park to facilitate the loading turning area for the current application. There is no loss of parking spaces resulting from this.

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 Additional information and survey work has been under taken on both the Retail Impact Assessment and the Sequential Test.
- 5.2 An additional traffic survey has been undertaken on a comparable use at peak times at the weekends, to compare to the Transport Assessment forecasts.

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **UDP allocation-** Site is allocated for business and industry, and sits within the Cross Bank Conservation Area
- 6.3 B2 Land allocate for business and industry  
 B4 Land last in use as business and industry  
 S1 Towns and Local Centres  
 S4 Proposals for large new stores  
 EP4 Noise sensitive developments  
 EP11 Ecological landscaping  
 G6 Contaminated land  
 BE1 – Design principles  
 BE2 – Quality of design  
 BE5 – Preservation/enhancement of conservation areas  
 BE11 – Materials

BE23 – Crime prevention.  
T10 – Highway safety  
T19 – Parking standards

Supplementary Planning Guidance / Documents:

6.4 Shopping Policy S4: Large NE Stores Supplementary Planning Guidance

6.5 National Planning Policy Framework:

Part 1: Building a strong and competitive economy:

Part 2: Ensuring the vitality of town centres

Part 4: Promoting sustainable transport

Part 7: Requiring good design

Part 10: meeting the challenge of climate change, flooding and coastal change

Part 11: Conserving and enhancing the natural environment;

Part 12 Conserving and enhancing the historic environment.

Kirklees Publication Draft Local Plan

6.6 The site has no specific designation on the Local Plan.

PLP3. Location of new development

PLP7. Efficient and effective use of land

PLP13. Town Centre uses

PLP20. Sustainable travel

PLP21. Highway safety access

PLP24. Design

PLP26. Renewable and low carbon energy

PLP27. Flood risk

PLP28. Drainage

PLP30. Bio diversity and geodiversity

PLP33. Trees

PLP35. Historic Environment

PLP51. Protection and improvement of local air quality

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 This application has been publicised by site notices and neighbour letters. To date there have been no representations received. Any letters will be reported to the Committee for their consideration.

**8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

**The Environment Agency-** No objections

**Yorkshire Water Authority-** Recommend conditions

**The Coal Authority-** Material consideration, no objection subject to imposition of an appropriate condition.

**KC Highways DM-** Updated information / survey work is acceptable, no objections subject to conditions.

## 8.2 **Non-statutory:**

**KC Environmental Health-** Recommend conditions regarding, remediation, noise attenuation and air quality

**KC Conservation and Design-** The design of the block is consider acceptable, with the smaller units incorporating the roof features of the neighbouring mill. Recommend conditions regarding the materials, and landscaping treatment

**KC Trees-** No objections

**KC Environment Unit-** the site contains areas of Japanese Knotweed, which will need to be eradicate. There is an approved Eradication Method Statement, which must be adhered to across the whole of the Blakeridge Mills complex, including the application site

**Police Architectural Liaison Officer.** - Recommend conditions covering Crime Prevention measures.

## 9.0 **MAIN ISSUES**

- General Principle/Policy Issues.
- Highways Issues
- Urban Design/Heritage Issues
- Residential Amenity
- Flood Risk/ Drainage
- Environmental Issues (Noise; Lighting; De contamination and remediation; Air Quality)
- Bio-diversity/ Landscaping
- Crime Prevention
- Conclusions

## 10.0 **APPRAISAL**

### General Principle/Policy

- 10.1 The main theme of the NPPF is that there should be a presumption in favour of sustainable development. It states in Chapter 1 paragraphs 18 and 19:  
*“The Government is committed to securing economic growth in order to create jobs and prosperity” and*  
  
*“...is committed to ensuring that the planning system does everything it can to support sustainable economic growth.”*
- 10.2 The NPPF also indicates that the planning system should ensure the vitality of town centres by requiring that applications for main town centre uses to be located in town centres.
- 10.3 .The site, as part of the previous approvals has been identified as “edge of centre”, which is relevant to the sequential test. For completeness, the Emerging Local Plan, has redefined the Batley Town Centre, effectively contracting it, and consequently this site is now further from the Emerging Town Centre boundary than was previously the case, so in terms of the emerging

Local Plan the site is classed as an “out of centre location” but still with a retail approval

- 10.4 In considering the above two tests in this case it is important to remember that there is already an extant retail approval on this site, as well as a retail/ public house approval, and as such both the Sequential Test need to reflect this , and be proportionate, to these extant permissions.
- 10.5. Sequential Test. Para 24 of the NPPF states that local planning authorities “*should require main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre sites and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre*”.
- 10.6 The search area for the sequential test is Batley Town Centre, and immediate surrounds. The search identified only one possible alternative available site, and that was at Victoria Works on Bradford Road. Whilst this is available it is less than half the required site area, and would not accommodate the larger of the units, even if the scheme were to be disaggregated.
- 10.7 An objection has been received challenging the sequential search, indicating that there is an alternative site available, ie Batley Mills. This states that there is potential for at least part of the Blakeridge Mills scheme to be accommodated within the Batley Mills complex, and that there are plans that have been prepared that show this. These plans whilst referred to have not been provided, and the provision of any new buildings for even part of the Blakeridge scheme, would in itself need planning permission as would any associated changes to the complex (eg parking and access arrangements), and there are no current application or pre-application proposals submitted to the Council.
- 10.8 The objectors maintain that Batley Mills is in a superior location to Blakeridge, and therefore sequentially preferable. This is disputed by the applicants who maintain that the site would be less attractive and suitable for their entire scheme, and that disaggregation of the scheme is unacceptable and would result in no scheme at all. They also point out that the Blakeridge Mills site is in a good location with reasonable access to the town centre and that this site is available with an extant retail permission.
- 10.9 As such the sequential search has been undertaken and the areas searched and the sites considered accord with the guidance contained in paragraph 24 of the NPPF.
- 10.10. Retail Impact Assessment. The Retail Impact Assessment has been undertaken by the Council’s consultants (White Young Green, WYG) on the basis of additional survey and justification work that was requested from the applicants( England Lyle Good ELG). The assessment also makes reference and responds to comments received on behalf of objectors (MT),before arriving at a recommendation. The additional information included:

- *Further information and justification with regard to the adopted catchment and an analysis of existing shopping patterns to better*

*understand where residents are currently travelling to, to meet their shopping needs;*

- An analysis in respect of the current health of the defined centres within the catchment area, ideally based on up-to-date vacancy and retailer representation data, in order to enable WYG and the Council to better understand what the potential implications of the proposed development could be;*
- A more detailed assessment of trade diversion, having regard to where the latest proposals may divert trade from based on the indicative tenant line up and proposed controls over the use of the floorspace; and*
- The implications of an updated trade diversion impact assessment on the defined centres from both a quantitative and qualitative perspective.*

### *The Catchment and Existing Shopping Patterns*

*10.11. :ELG provides additional commentary and analysis in respect of the catchment area and current shopping patterns from paragraphs 4.5 to 4.7 of the Addendum. ELG states that a five minute drive time catchment is appropriate given the nature of the proposed development and the intended operators. ELG states that the five minute drive time broadly reflects Zone 9 of the Kirklees Retail Study, which we are satisfied with.*

*10.12. ELG then goes on to state that there will be some inflow from beyond Zone 9 (the five minute catchment) and that the impact assessment takes account of trade diversion and draw from beyond this area. We comment in more detail below in respect of ELG's confusion in respect of the differences between trade draw and trade diversion.*

*10.13. ELG then provides a summary of key shopping patterns in the catchment area, demonstrating that the principal destination for convenience shopping for residents in Zone 9 is the Tesco Extra at Batley, followed by the Asda in Morley, and for comparison shopping the principal destination is Birstall Shopping Park, followed by the Tesco Extra in Batley. We are satisfied that Zone 9 of the Retail Study is an appropriate catchment to adopt for the purposes of the impact assessment. We are also satisfied that ELG has given sufficient consideration to existing shopping patterns and how these may influence the trade diversion assumptions adopted in the quantitative assessment.*

### *The Current Health of the Defined Centres within the Catchment Area*

*10.14. In order to assess the potential impact a proposal may have on a town centre, the applicant should firstly assess the existing performance and overall health of the relevant defined centres. This is supported by paragraph 17 of the NPPG, which provides a checklist for applying the impact test, the first of which states that the state of the existing centres and the nature of current shopping patterns should be established. Paragraph 5 of the NPPG sets out a range of criteria by which the health of a centre can be assessed.*

*10.15. ELG provides an update in respect of the health of Batley, Dewsbury and Heckmondwike town centres at Section 2 of their Addendum report. The information is based on the latest town centre surveys undertaken by WYG in 2014, with updates on the current diversity of use where possible*



- 10.16. *In particular, ELG provides the latest diversity figures for Batley town centre from January 2018 which demonstrates that there are a total of 22 vacant units, which accounts for 17.6% of the total proportion of units within the town centre. The analysis also picks up on the proportion of national multiple retailers (including Asda, Iceland, Fultons, Aldi and Greggs), along with the Tesco Extra. Furthermore, ELG acknowledges that the proportion of comparison outlets within Batley town centre is below the national average, but that this may be attributable to the relatively localised role of the town centre.*
- 10.17. *However, as was noted by WYG in preparing the Retail Study, the vacancy rate within the centre is high and well above the national average. The proportion of vacant units can be principally attributed to by the closure of the internal space of the Batley Shopping Centre at the start of 2014. ELG acknowledges at paragraph 2.15 that the vacancy figure is inflated by assumed vacancies within the Batley Shopping Centre which includes the internal, covered area only. ELG go on to state that as these units are located internally and not visible from Commercial Street, the units are to a certain degree 'hidden away' from the remainder of the town centre. If these units were removed from the diversity figures, the vacancy rate would drop to approximately 9.6%.*
- 10.18 *Having reviewed the town centre in more detail, WYG is of the view that whilst we have to take account of the internal vacancies within the Shopping Centre as part of the overall analysis of the town centre's health, we do agree to an extent with ELG's conclusions in respect of the internal vacancies within the Shopping Centre. The Centre is closed off, and pedestrians cannot access it. There is just one key entrance off Commercial Street which is small in nature and scale and does not detract from the active frontages along the Street. Furthermore, the only current available properties advertised online by the letting agent Savills, are 70 and 82 Commercial Street which are both relatively small in size. None of the internal units are currently being advertised as being available to let.*
- 10.19 *Overall, whilst we consider that the vacancy rate is high, and that this does detract from the overall vitality and viability of the centre from a numbers and proportion perspective, when you are within the centre, these long term vacancies do not detract from the health from an aesthetic point of view.*
- 10.20. *We are of the view that Batley town centre provides a relatively localised role, providing convenience and service uses for the surrounding population. This may have been impacted upon in the past by the presence of the Birstall Shopping Park and the operators present at that strong, regional retail destination, leading to Batley having to adapt to provide a more localised offer and focus on convenience retailing. This is demonstrated by the shopping patterns from the Kirklees Retail Study, showing the dominance of the Tesco Extra for both convenience and comparison shopping for residents located in Zone 9. This is also acknowledged by the Council in the Publication Draft of the Local Plan, which states at Section 5 that Batley provides for the food shopping needs of residents and that it is particularly important as a cultural and leisure hub. Overall therefore, we consider that whilst there are weaknesses in Batley town centre, the offer does meet localised needs, particularly from a convenience perspective.*

10.21 We note that in terms of Heckmondwike and Dewsbury town centres, ELG has not undertaken an update of the diversity of use and relies on the data provided by WYG in the 2014 Study. In any event, we are satisfied that the summaries provided by ELG, along with our own local knowledge of the centres is sufficient to enable us to provide our views in respect of the impact tests.

### Trade Diversion Impact

10.22. ELG has adopted the design year of 2021 for the purposes of the impact assessment. WYG did not previously raise any concerns with regard to this design year. However, MT Town Planning queries the year adopted by ELG and refers to the NPPF's guidance that impact should be assessed up to five years from the date of the application.

10.23. The NPPG states at paragraph 017 that the design year for impact testing should be selected to represent the year when the proposal has achieved a 'mature' trading pattern, conventionally taken as the second full calendar year of trading. We therefore consider 2021 to be an appropriate year to assess the potential impact of the proposal. As such, we do not agree with MT Town Planning's conclusion in this regard.

### Trade Diversion and Trade Draw

10.23 As also noted by MT Town Planning, there appears to be some confusion from ELG in terms of 'trade draw' and 'trade diversion' within the Report. To summarise, whilst these are intrinsically linked, trade draw identifies the origin (where people live) of shoppers who are likely to spend their money at the proposed development. Trade diversion identifies the retail destinations from which expenditure will be diverted from to the application proposal (defined centres and other destinations).

10.23 By identifying the likely trade draw, we are able to analyse where the residents of that catchment area or those zones undertake their comparable shop, and then undertake an assessment of trade diversion based on those existing shopping patterns, plus further professional judgement. The identification of a proposal's trade draw allows an assumption to be made in respect of the proportion of trade that a development is likely to receive from customers within and outside its catchment area. As the guidance within the NPPG states, the best way to assess trade draw for a new development is to look at existing proxies of that type of development in other areas.

10.24.. However, in this instance and accepting that the majority of the turnover of the proposal will be drawn from a single zone, we do not require ELG to disaggregate its trade diversion assessment on a zonal basis and on this basis, we do not agree with MT Town Planning in this regard. As such, we have continued the assessment of impact on the basis that ELG in fact are referring to trade diversion instead of trade draw within their Addendum.

10.25. MT Town Planning also raise concern with regard to the lack of assessment of trade diversion on a sectorial basis (rather than just on a convenience and comparison basis). Given the nature of the proposal and the scale of the development, we are satisfied with the approach adopted by ELG to assess trade diversion impact on a convenience and comparison basis only.

## The Trade Diversion Assessment

10.26..ELG has provided a revised quantitative trade diversion assessment which is attached to the Addendum, and provided a summary of the key matters within the report itself. The revised quantitative assessment has been updated to take account of the following:

- An increase to the sales densities adopted under Scenario 1 for B&M Bargains;
- An assessment of trade diversion taking account of existing shopping patterns from the Kirklees Retail Study; and
- An assessment of the implications of the potential trade diversion on the defined centres.

10.27. Based on the above, ELG provides two sets of trade diversion figures at Tables 4.6 and 4.7 of the Addendum, which are taken from Tables 16 and 19 of Appendix 1. 10.27. The revised assessment considers the following in respect of the two adopted Scenarios (Scenario 3 is not included given that we previously concluded that we were satisfied with ELG's assumptions under this Scenario):

**Scenario 1** – based on the assumption that B&M will occupy the larger of the three units and two other discount retailers will occupy the remaining two units. ELG has revised their assessment to include a higher sales density of £3,864 per sq.m for B&M (Unit A) at 2021, as advised by WYG, and confirms that the sales density adopted for the other two units is £3,864 per sq.m for Unit B and £7,500 per sq.m for Unit C; and

**Scenario 2** – based on the assumption that all three units will be occupied by non-food retailers which a generic sales density of £5,520 per sq.m at 2021.

It is important to note that under Scenario 1, ELG does not include any provision within Unit A for the sale of convenience goods, which B&M will require.

10.28. However, we consider that the reduction of the comparison sales density of Scenario 1 will in fact result in a lower trade diversion impact on Batley town centre in any event, so the assessment undertaken by ELG under Scenario 1 again represents a 'worst case scenario'.

10.29. We do not replicate the tables produced by ELG within this letter but note that in terms of Batley town centre, ELG estimates that under Scenario 1, the impact would be -6.7% and under Scenario 2, the impact would be -8.8%. These are both based on the assumptions that the convenience goods elements of the proposal will divert 35% of the turnover from the Tesco Extra, 11% from the Aldi and 10% from the Asda. In terms of the comparison goods elements, the estimated diversion from Tesco Extra is 20%, followed by 20% from Birstall Shopping Park and 10% from Batley town centre. ELG also assumes that 6% will be diverted from the edge of centre Batley Mill.

10.30. The higher impact is calculated from Scenario 2 (considering that the units will be occupied by non-food retailers) which ELG claims is unlikely to come forward. An impact of -8.8% is at the higher end of what we would consider to be acceptable given the health of Batley town centre. However, based on the fact that this is a 'worst case scenario' in terms of both turnover and diversion, and given that there is an implementable fall-back position which already

*permits Open A1 floorspace at the site, along with the fact that overall, whilst there are vacant units within the centre, we do not consider that the centre is substantially struggling and functions well in providing a localised retail offer, we are satisfied that this would not have a significant adverse impact on the vitality and viability of the centre.*

*10.30. In terms of Batley Mill located on the edge of the town centre, ELG consider that under the worst case scenario, the impact would equate to approximately -11.7%. MT Town Planning states that this would have a significant adverse impact on the Mill, and as a consequence, on the town centre.*

*10.31. WYG is of the view that this diversion could be overstated due to the different qualitative nature of the schemes. The Mill includes operators such as M&Co, Bonmarche, The Works, Rectella and Cotton Traders. These operators are unlikely to compete with the proposal directly based on a 'like effects like' basis as advocated by the NPPG, as the proposed scheme is seeking to provide space for a discount operator such as B&M and two other discount operators. Even if the proposal was to be occupied by non-food operators, these are highly unlikely to be clothing and footwear operators given the presence of Birstal Shopping Park up the road, and the overall nature of Batley town centre from a retailer demand perspective.*

*10.32. Instead, we consider that the Mill, along with the proposal and the existing operators within Batley town centre will all trade alongside each other, enhancing Batley as a retail destination. In any event, should there be a diversion to the level indicated by ELG in their revised assessment on the Mill, we do not consider that this would have a significant adverse impact on the defined town centre itself, particularly given the opportunities for linked-trips to the proposed site too.*

*10.32 Based on existing shopping patterns as established within the Retail Study, and the nature of the proposed retailers considered under both Scenarios 1 and 2, WYG is satisfied with the trade diversion assumptions applied by ELG. As such, taking account of the revised assessment, we are of the view that the level of trade diversion on Batley town centre would not have a significant adverse impact on the overall health of the town centre. This conclusion is reached having regard to the existing overall vitality and viability of the centre and considering the current offer and diversity of use within the centre.*

*10.33. We are satisfied that the proposal will not have a significant impact on the overall vitality and viability of other defined centres within the Borough*

#### Highways Issues

*10.34 The site is located on the junction of Mayman Lane/Cemetery Road. The access road has already been constructed to serve Blakeridge Mill residential development with access taken from Mayman Lane.*

*10.35 A transport assessment has been carried out by Bryan G Hall (ref 12-207-006.02) and submitted as part of the application. The parking provision falls short of the required 232 parking spaces required for this development (1 space per 15m<sup>2</sup> for a public floor space area of 3949m<sup>2</sup>) in accordance with appendix 2 of the UDP. Further to the initial assessment of the submitted transport assessment a request for further information in relation to:*

- A parking accumulation exercise for the assumed full opening hours indicating the peak week day and peak at weekend.
- A surveyed comparison site for parking arrangements local to Kirklees.

10.36 It is agreed that the most appropriate site to survey locally is off Blacker Road, Birkby Huddersfield, this site comprised of an Aldi store, B&M bargains and a Matalan with a floor area of 5500m2 and parking provision for 164 cars.

10.37 The forecast traffic generation via TRICS database has been estimated and compared to actual traffic generation by the Surveyed site as follows:

	Friday PM Peak			Saturday Peak		
	In	Out	2-way	In	Out	2-way
Surveyed Trip Rates.	3.545	3.836	7.382	5.273	5.400	10.673
Transport Assessment Trip rates	3.766	4.141	7.917	4.045	4.013	8.058

10.38 The results are relatively comparable with the surveyed trip rates being slightly higher than the TA trip rates due to the increased size of existing development compared to the proposed development.

10.39 Overall HDM consider the proposals acceptable from Highways prospective, if planning are minded to approve the application subject to the imposition of appropriate conditions

Urban Design/ Heritage Issues

10.40. The site is located within he Cross Bank Conservation Area, that includes the whole of the Blakeridge Mills complex, and the Cemetery Road, including the cemetery. There are a number of listed structures adjacent the Blakeridge Mills complex, but they are on the northern side of the mill complex, distant for the proposed buildings. There are also a significant number of mature trees along the Cemetery Road boundary that are protected, but also make a significant contribution towards the character of the conservation area.

10.41. The proposed buildings are located in the southern portion of the Blakeridge Mills complex at the junction with Maymen Lane and Cemetery Road, and is at a significantly lower level than the Maymen Lane. The schemes footprint comprises 2 blocks of building-the larger building being a rectangular block shape( this located in the southern corner of the site), and the smaller which stretches into the site towards the main mill incorporating an industrial roofline similar to that which already exists on Blakeridge Mills, albeit at a significantly higher level.

10.42. The buildings are set back a considerable distance from the Maymen Lane frontage, and also as stated earlier, at a lower level. As such in terms of scale and massing the scheme is considered to be acceptable.

- 10.43. The location of the larger block is sited to ensure that the mature trees that run along Cemetery Road are retained, and this together with the lower levels, and retention of the Cemetery Road stone wall, affords this element of the scheme adequate screening from Cemetery Road. The frontage of the retail units will be visible from Maymen Lane, but set back and at the lower level, the incorporation of the industrial roofline on the new buildings is reflective of existing features within the site, and a similar arrangement to that which has previously been agreed on the extant retail permission.
- 10.44. As such it is considered that the proposal will respect the character of the Conservation Area, and Blakeridge Mills complex, in terms of its appearance and scale, and not adversely impact upon the setting of any neighbouring historic assets. Conditions regarding the walling and roofing materials are recommended.

#### Residential Amenity

- 10.45. The residents potentially affected by this retail development, are located within the main Blakeridge Mill, and those under construction in the Pavillion. These are both traditional mill structures with their gables facing towards the retail scheme, and main elevations and the majority of units facing away from the retail units. Also the site is separated from the retail scheme by the main access road.
- 10.46. Notwithstanding this the main issues affecting residential amenity are potential noise and disturbance from deliveries and use of the retail units. A Noise Assessment has been submitted with this application and Environmental Health are satisfied with the report, and have recommended conditions to cover this. The bulk of the activity associated with the retail units will be within the store and between the store building and Maymen Lane, which is a considerable distance from the nearest of the apartments.
- 10.47. The nearest dwellings outside of the site are on the opposite side of Maymen Lane, and Cemetery Road, which are a considerable distance from the site, accordingly there will be no adverse effects upon the residential amenities of any existing residents which surround the site.

#### Flood Risk / Drainage

- 10.48 The site is within Flood Zone 1 (ie in an area least likely to flood), and a Flood Risk Strategy and Drainage scheme for the entire Blakeridge Mills site has already been submitted and agreed. Both the Environment Agency and the Yorkshire Water Authority have raise no objections.
- 10.49 As the site is formerly brown field with substantial areas of hard standing, the drainage scheme should reduce the run off rate by at least 30 %
- 10.50 The issues of flood risk and drainage are satisfactorily addressed, and will be the subject of condition.

#### Environmental Issues (Noise; Lighting; De-contamination and Remediation; and Air Quality)

- 10.51. De-contamination/Remediation- A Contaminated Land report and remediation statement has been produced, for this and the entire Blakeridge Mills site, which is considered acceptable. Conditions are recommended to make the site fit to receive the new development.
- 10.52. Noise- A Noise assessment has been submitted with the application, given the site is in close proximity to the Blakeridge Mills apartments. The proposal differs from previous retail approvals in that there is more than one unit, and there is a communal delivery yard to the rear of the units whereas previous schemes were served off the frontage car park area. The apartments most affected will be those on the southern side of the main Blakeridge Mill, and the Pavillion.
- 10.53. These buildings are on the opposite side of the main entrance road, and gable ends face towards the service yard. It is considered that any potential noise from plant can be mitigated by choice of appropriate equipment, and siting.
- 10.54. Noise associated with delivery can be conditioned, and the suggested hours of use, detailed below, are considered to be acceptable.
- |             |              |
|-------------|--------------|
| Mon-Friday. | 06.00- 21.00 |
| Saturday    | 08.00- 21.00 |
| Sunday      | 10.00- 16.00 |
- No deliveries to take place on public holidays  
(The applicant suggested hours of delivery until 23.00 hours, however this is considered excessive, given the proximity of the service yard to the residential blocks).
- 10.55. Lighting- There is already a lighting scheme agreed for the entire Blakeridge Mills complex to provide both site security for area and safeguard the residential amenity of the apartments on the site. The lighting for the retail complex, will need to afford security for the car park and delivery areas, whilst avoiding excessive light spill into the living areas of the nearest apartments which are located within the main Blakeridge Mill, and the Pavillion (currently under construction). This matter can be satisfactorily addressed by the imposition of a new lighting condition.
- 10.56. Air Quality- Given the scale of the development, this proposal has been assessed as a major proposal under the West Yorkshire Low Emissions strategy. The Strategy in such cases requires submissions of details to mitigate against any potential increase in emissions, and these include the production of a Travel Plan promoting alternative modes of travel to the car for the staff, and including details of the provision of any electric charging points potentially within the site for customers.

#### Bio diversity

- 10.57. The site the subject of this application is largely cleared land and formerly hard standing. There are however a significant number of mature trees around the site particularly on the Cemetery Road boundary, that are of some value. The scheme enables these trees to be retained, which will be of some value. The scale of the buildings and the nature of their use, make provision for on-site bird, and bat roost opportunities, unlikely to be successful, and as such the nature and sensitivity of the lighting scheme and how it impacts upon the trees

is an important factor in this particular instance. A Lighting condition for the site is recommended.

- 10.58. This site suffers from Japanese Knotweed, and there is already a Knotweed Eradication programme approved across the site, which is currently being revised by a new scheme (subject of a fresh application to modify the scheme). The site the subject of this application, has Japanese Knotweed on it, and this needs to be adequately eradicated before any development can take place. This will be the subject of an appropriate condition.

### Crime Prevention

- 10.59. There are no objections in principle to the development in principle, however there are potential issues of security and crime prevention that this use need to address in order to comply with Policy BE23.
- 10.60. It is recommended that a condition be imposed on this scheme requiring the submission of crime prevention measures for approval. These should, in this case include for boundary treatments (the delivery loading yard) CCTV of parking and delivery areas, the lighting , and importantly the residential parking areas which abut the site.

## **11.0 CONCLUSION**

- 11.1. Whilst there have been previous retail approvals on this site, and there is an extant approval, the current proposal has been considered, in itself, against the criteria set out in the NPPF regarding Sequential search and Retail Impact Analysis. Additional information and justification has been required, and provided to enable a robust assessment to be undertaken , and it is considered that the proposal complies with Policy S4 of the Unitary Development Plan, Policy PLP 13 of the Publication Draft of Emerging Local Plan, and paragraph 26 of the National Planning Policy Framework.
- 11.2 The highway and parking implication have been considered in light of additional information and survey work of a comparable site, and this information is considered to be appropriate and relevant to this scheme. There are no objections from a highway/ traffic perspective and the imposition of appropriate conditions including a Travel Plan are recommended.
- 11.3. The scale and appearance of the retail block is considered to respect the character and appearance of the Blakeridge Mills complex and the setting of the conservation area, and the associated landscaping and also the retention of mature trees should deliver significant enhancement from the existing empty hardstanding areas. The completion of the redevelopment Blakeridge Mills complex that this development represents would be a welcome and could only be of benefit to the visual amenities of the Conservation Area.
- 11.4. Other technical issues including drainage and environmental health matters are all capable of being satisfactorily resolved and dealt with by condition.
- 11.5. As such no objection is raised to this proposal and approval subject to appropriate conditions is recommended.



## **12.0 Conditional Full Approval**

**conditions (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. 3 years to commence development
2. Development in accordance with approved plans
3. Samples of materials
4. Boundary treatments
5. Landscape scheme
6. Drainage conditions (surface water and foul)
7. De contamination, remediation and validation.
8. Highways conditions- parking provision and maintenance; deliveries and turning; production of Travel Plan
9. Lighting scheme
10. Noise attenuation (for neighbouring buildings possible hours of use restriction).
11. Crime prevention measures.
12. Eradication of Japanese Knotweed
13. Restrictions on the range of goods to be sold from each unit.

### **Background Papers:**

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed:

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 08-Mar-2018

Subject: Planning Application 2018/90242 Change of use from stone yard to tree/log storage yard The Old Stone Yard, Near Bank, Shelley, Huddersfield, HD8 8LS

#### APPLICANT

Martin Locke, Beneficial  
Tree Care Ltd

#### DATE VALID

23-Jan-2018

#### TARGET DATE

20-Mar-2018

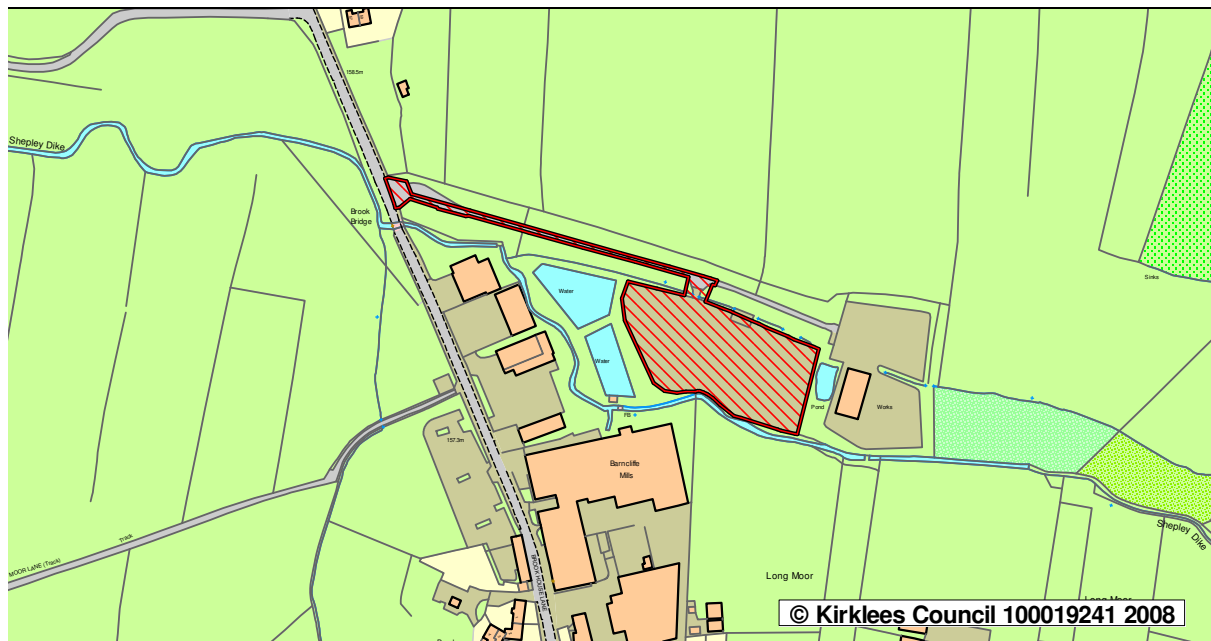
#### EXTENSION EXPIRY DATE

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Kirkburton Ward**

No

Ward Members consulted  
(referred to in report)

## **RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

### **1.0 INTRODUCTION:**

1.1 The application seeks permission to change the use of a stone yard to a tree/log storage yard in connection with an existing arboricultural depot, construct a concrete base 14mx 17.5m with covered area (max of 4m with a mono-pitch roof) in height and erect a 1.8m high, green powder coated palisade fence around the boundary. Beneficial Tree Care Ltd are the applicants and are an existing business at Shelley. The application is brought to Strategic Planning Committee for a decision as the site area exceeds 0.5 hectares.

### **2.0 SITE AND SURROUNDINGS:**

2.1 The application site comprises an external storage yard of a stone merchants business located off Near Bank at Shelley. The site is relatively flat and comprises areas of outdoor storage with a number of skips /metal storage containers. The site is accessed off Near Bank by a single width track which is shared with the existing arboricultural depot business.

2.2 To the north, the site borders adjacent undeveloped green belt land, to the east of the site is the existing arboricultural depot business, to the south is Barncliffe Mills beyond which is further open undeveloped land and to the east are two ponds, beyond which are industrial buildings. Public right of way KIR/147/10 follows a route across the north-western part of the existing yard.

### **3.0 PROPOSAL:**

3.1 The application seeks permission for the change of use of the existing stone cutting and storage yard to a tree/log storage yard, in connection with the existing arboricultural depot to the east of the site; Beneficial Tree Care Ltd. The proposal also includes the following elements which are classed as operational developments:

- construct a concrete base (dimensions 14mx 17.5m)
- construct covered area (dimensions 14mx 17.5m)
- erect a 1.8m high, green powder coated palisade fence around the boundary

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 95/90693 – Use of existing hard standing for storage of coursed stone with associated use to adjacent building – Conditional Full Permission

4.2 Adjacent land to the east:

2001/93336 – Erection of stone cutting industrial unit and settlement pit – Conditional Full Permission

2011/90466 – Change of use of part of stone yard to arboricultural depot – Conditional Full permission

2015/93091 – Erection of two single storey storage/workshop units – Conditional full permission

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 Officers negotiated with the applicant to provide:

Details of how the proposal would impact on the Public Right of Way.

#### **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is allocated as green belt on the UDP proposals map.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **BE1** – Design principles  
**BE2** – Quality of design  
**T10** – Highway Safety  
**T16** – Pedestrians Safety  
**NE9** – Retention of mature trees  
**G6** – Contaminated Land

**EP11** – Integral landscaping scheme to protect / enhance ecology  
**EP4** – Noise Sensitive Uses

6.3 Kirklees Publication Draft Local Plan

**PLP1** – Presumption in favour of sustainable development  
**PLP21** – Highway safety and parking  
**PLP 30** – Biodiversity and Geodiversity  
**PLP53** – Contaminated and unstable land

National Planning Policy Framework:

- 6.4 **Chapter 1** – Building a strong, competitive economy  
**Chapter 3** – Supporting a prosperous rural economy  
**Chapter 9** – Protecting Green Belt Land  
**Chapter 10** - Meeting the challenge of climate change, flooding  
**Chapter 11**- Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been advertised by neighbour letter, site notice and press notice with the publicity due to expire 2<sup>nd</sup> March 2018. Any comments received after the agenda has been produced will be included and responded to within the committee update.

To-date, as a result of this publicity one representation has been received in support of the proposal making the following comments:

“I would like to fully support this application. The site area would be put to good business use. Beneficial Tree Care have built an excellent professional reputation and fully deserve to be helped in addressing their business needs by approving this application”.

**Kirkburton Parish Council** – No comment

**8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

**K.C Highway Services (including Public Rights of Way comments)** – No objections

**Environment Agency** – Standing Advice applies

8.2 **Non-statutory:**

**Pollution & Noise Control**- No objections subject to condition regarding operational and delivery times.

**K.C Ecologist** – Comments to be included and responded to within the update.

**9.0 MAIN ISSUES**

- Principle of development

- Highway Safety
- Residential amenity
- Flood Risk issues
- Ecology Issues
- Representations

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is located within the Green Belt where paragraphs 87-90 of the National Planning Policy Framework (NPPF) states how proposals should be assessed. Paragraph 89 states local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this and one of which is the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Paragraph 87 states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 of the NPPF states certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land with the Green Belt. These include engineering operations.
- 10.2 The proposal seeks permission primarily for the use of the existing stone storage yard to store logs, in association with an existing arboricultural depot business; Beneficial Tree Care Ltd on the adjacent site. Some operational development is also proposed but is limited to the construction of a concrete base 14mx 17.5m with (covered area max of 4m with a mono-pitch roof) and the erection a 1.8m high, green powder coated palisade fence around the boundary. The proposal is located on land that has previously been used as a stone yard and is therefore classed as brownfield land. The laying of a concrete base is classed as engineering works and is allowed under paragraph 89 of the NPPF and therefore not considered to be inappropriate development within the Green Belt. The other elements of erecting boundary fencing and a covered area will have some impact upon the openness of the Green Belt but these elements are minor forms of development, with minimal impacts and are not considered to be demonstrably harmful to the Green Belt or conflict with the purposes of including land within it. The proposed use would support the existing rural business in accordance with the principles of chapter 3 of the NPPF. This states plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas.
- 10.3 The existing site is located in amongst other buildings and existing structures in the vicinity and the site is not considered to be highly visible within the landscape. The storage of logs is by its nature a temporary and fluctuating activity which would not have a detrimental impact on the openness of the Green Belt. The existing tree/hedge screen would remain and would provide an element of screening to the site to preserve the visual amenities of the Green Belt which could be supplemented by additional planting if necessary by a condition. Overall, the proposed concrete pad, covered store and fence are considered to be acceptable and would not be harmful to the openness of the Green Belt.

### Highway Safety

- 10.4 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The site is accessed from an existing private driveway opening on to Brook House Lane, an unclassified 30mph two lane single carriageway with a footway on the side of the proposal site access and street lighting present.
- 10.5 The uses are similar and, even though there are no traffic generation figures submitted Highway Services consider that the development traffic would be comparable in both volume and composition and therefore would have very little impact on the operation of the local highway network.
- 10.6 The access is an existing stone yard access with what appears to be adequate radii and visibility for goods vehicles. There are no recent collisions within the area and no patterns appear to form with historic collisions.
- 10.7 There is a PROW (footpath KIR 147-10) that passes through the site and appears to be directly influenced by the proposals. The applicant has indicated that an application to divert the PROW has been lodged with the PROW team and this is currently ongoing. As the submitted drawings show the proposed palisade fencing cutting across the existing route of the PROW, the proposed development may not be deliverable until the PROW diversion has been completed. The applicant was therefore asked to submit a plan showing the proposed route of the footpath diversion, which is proposed to be to the south of the adjacent pond and to the north of the existing yard.
- 10.8 Overall, Highways Development Management consider that this application is, in principle acceptable subject to a condition that no part of the development shall commence until the scheme for the diversion of footpath KIR 147-10 has been approved. This is to ensure that the development is deliverable. Subject to the inclusion of this condition there would be no detrimental impact on highway safety and the proposal would accord with Policy T10 of the UDP.

### Residential Amenity

- 10.9 There are no residential dwellings in immediate proximity of the application site, but there are residential properties off Near Bank to the north and Long Moor Lane to the south. To assess the possible impact on the residential amenity of the occupiers of these properties from noise disturbance Environmental Services were consulted. In the interests of the amenity of occupiers of neighbouring noise sensitive properties Environmental Services recommend a condition that no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 0800-1800 Monday to Friday and 0800-1600 Saturdays with no activities on Sundays or Bank Holidays. Subject to the inclusion of this condition there would be no detrimental impact on residential amenity.

### Flood Risk Issues

- 10.10 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including Flood Risk Assessments, taking climate change into account and the application of the sequential approach. The site lies within flood zone 3, however the proposal is for a development



which is classified as less vulnerable. The proposed change of use from an existing stone yard to a storage area for logs would not result in any flood risk issues and the Environment Agency have no specific comments to make.

### Ecology Issues

- 10.11 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The site is located within the bat alert layer. Comments are awaited from the Council's ecologist.

### Representations

- 10.12 One representation has been received in support of the proposal as detailed above. Kirkburton Parish Council have made no comments.

## **11.0 CONCLUSION**

- 11.1 The proposed change of use of the existing stone yard to a log storage yard for the adjacent arboricultural depot is considered to be an appropriate use within the Green Belt. It would have no materially greater impact on the openness and visual amenities of the Green Belt than the existing stone storage yard in accordance with Paragraph 90 of the NPPF, and would not conflict with the purposes of including land with the Green Belt. The proposed concrete base structure with a covered area for log storage would not have a detrimental impact on the openness of the Green Belt due to its limited scale and the location of the buildings amongst existing buildings within the landscape. There would be no adverse impacts on highway safety or residential amenity and there would be no increase in flood risk. Recommendation is for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. 3 year time limit
2. Development in accordance with the approved plans
3. A scheme for the diversion of footpath KIR 147-10
4. Fence to be 1.8m high and powder coated green colour details to be submitted
5. Tree/hedges to be retained and supplemented with additional planting
6. Hours of operation - no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 0800-1800 Monday to Friday and 0800-1600 Saturdays. No activities shall take place on Sundays or Bank Holidays.

**NOTE:** Public footpath number KIR 147-10, which crosses/abuts the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority and the granting of planning permission does not in itself constitute authority for the interference with the right of way or for its closure or diversion. In the event of planning consent being granted, the applicant will still be required to enter in to a separate legal process, with separate costs, in order to divert or close the public footpath.

**Background Papers:**

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90242>

Certificate of Ownership –Certificate A signed: