
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2017

Subject: Planning Application 2016/93428 Part demolition of existing mills and erection of 48 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 (Listed Building) Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD

APPLICANT

Rob Cooke

DATE VALID

27-Oct-2016

TARGET DATE

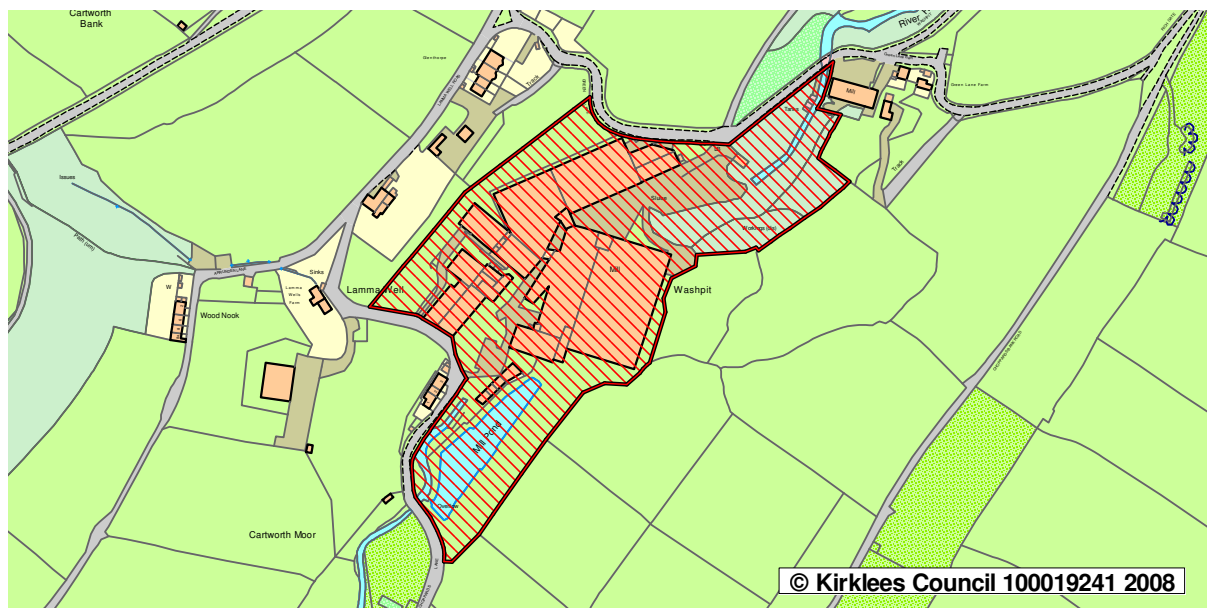
26-Jan-2017

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:

Holme Valley South

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

This recommendation is subject to the jurisdiction for the decision-making power remaining with the Local Planning Authority and not the Planning Inspectorate given that an appeal against non-determination has been lodged but is not currently valid. In the event that the determination of the application rests with the Planning Inspectorate then the LPA will inform the Planning Inspectorate that the Local Planning Authority would have approved the application subject to the matters listed below had its determination remained within its remit subject to those matters detailed above.

Delegate approval to the Head of Development Management in order to complete the list of conditions including those contained within this report and subject to the resolution of the matters listed below and subject to the completion of a S106 for the following matters:

- 1 flood risk and drainage issues**
- 2. The submission of further highways information as detailed in the report**
- 3. S106 obligation: Financial contribution towards local education provision (£185,391).**
- 4. S106 obligation: Mechanism for the management of the public open space within the site**
- 5. S106 obligation: Future maintenance and management arrangements for the culverted watercourse within the site (River Ribble)**

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 Development Management 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 Development Management 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.
- 1.2 The Council has recently received notification that an appeal against the non-determination of the planning application has been lodged with the Planning Inspectorate. It has however been confirmed that the appeal is invalid because there is outstanding information that the applicant must provide. Once the information is submitted to the Planning Inspectorate the appeal will go through their validation process. The Inspectorate will also consider a request from the applicant to hold the appeal in abeyance whilst negotiations with the council continue and the application is considered by the Strategic Committee.
- 1.3 In light of the above it is unclear at this stage whether the jurisdiction for the decision-making lies with the Local Planning Authority (LPA) or the Planning Inspectorate. The recommendation therefore reflects this situation. Should the appeal not proceed then the determination of the application will remain within the LPA's remit. However, if the Planning Inspectorate inform the LPA that there is a valid appeal against non-determination then the Inspectorate will assume the power to determine the application and the LPA will be required to inform the Planning Inspectorate what decision it would have made. A resolution from the Strategic Planning Committee is therefore sought on this basis.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises of approximately 3.5 hectares of land located within a steep sided valley. There are 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 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 trees to the north east.
- 2.4 The site is bound to the north by Green Lane which links to Washpit New Road. To the south is Choppards Lane.
- 2.5 The site lies within the Green Belt. 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.

3.0 PROPOSAL:

- 3.1 The proposal is for a mixed use development comprising of new and converted residential units and conversion of existing buildings to form workshop, car storage, restaurant, function suite, hotel and offices.
- 3.2 A total of 64 residential units are proposed, comprising new build townhouses and cottages in place of existing buildings and 16 apartments formed from converting one of the retained non-listed mill buildings.
- 3.3 One of the large mill buildings (northlight sheds) would be retained and modified to form a mixed use car workshop and car storage/display space with associated restaurant, function suite, shops and ancillary offices.
- 3.4 The hotel would be accommodated in the converted and extended listed building. The hotel would have 23 bedrooms and would incorporate a small health spa (pool, gym, sauna, steam room, treatments rooms) as well as a conference room.
- 3.5 A link extension would be constructed off the listed building (hotel) to an existing mill building to the south west which would be used for offices.
- 3.6 A total of 218 parking spaces are proposed. Car parking areas are provided for the non-residential uses along with dedicated parking for the proposed dwellings.
- 3.7 Vehicular access to serve the site is proposed via a central access road running between Green Lane and Choppards Lane with a separate access serving part of the residential development (15 houses) from Choppards Lane and a further separate access serving a 30 space overspill car park for the workshop/car storage/restaurant/function suite use off Green Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Linked Listed Building Consent application:

2016/93429 Listed Building Consent for extensions and alterations to form hotel and offices – Undetermined

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant amended the proposals during the course of the application. Part of the original scheme was for a series of workshop units within one of the large existing buildings but following an agreement with a local business (The Carding Shed, Hepworth) to relocate to the site the application was amended to reflect the specific aspects of this business. The Carding Shed encompasses The Oil Can Café, I.K. Classics (classic car restoration/maintenance and short term car storage) and shops selling vintage clothing and memorabilia.

- 5.2 The above changes to the scheme involved retaining part of the workshop building as ancillary office space and consequently relocating a car park towards the front of this building with extra parking spaces provided (facilitated by deleting a proposed detached house). A proposed extension to the rear of the workshop building has also been omitted and the rear parking area enlarged. In addition there have been changes to the alterations to the principal elevation.
- 5.3 As a consequence of The Carding Shed relocating to the site, a restaurant that was originally proposed to be formed within an existing mill building and linked to the hotel is now proposed to become offices.
- 5.4 Alterations to block F (row of 9 townhouses) have been secured to improve their appearance and reduce encroachment into the Green Belt. Alterations to Block A (row of 9 townhouses) have also been secured to reduced its massing.
- 5.5 A meeting was held with officers, the applicant, applicant's representative and Cllr Nigel Patrick on 9th December 2016. The purpose of the meeting was to discuss the proposals and the main issues arising from the development. The owner of The Carding Shed was also present and it was indicated that an agreement in principle had been reached between the applicant and The Carding Shed for the business to relocate. The application had not been formally amended at the time of the meeting.
- 5.6 Councillor Patrick was supportive of the principle of regenerating the site, retaining a local business and providing a hotel in this area. Councillor Patrick however also raised concerns around the highway impacts, particularly in relation to additional traffic on the local road network. Cllr Patrick suggested that the developer should consider what improvements could potentially be made to mitigate this.
- 5.7 Councillor Patrick also raised the issue of drainage and the importance of ensuing this is dealt with properly. Other points raised were the use of good quality materials, potential impact of noise from The Carding Shed (bar/restaurant/function suite) on occupiers of proposed dwellings and end users being self-sufficient in terms of road gritting.
- 5.8 The applicant supplied an updated Drainage Statement which included identification of an underground culvert. The accurate plotting of this culvert will require 3 dwellings to be removed from the scheme which are currently located above the line of the culvert. The applicant has confirmed they will remove these plots and revised plans are awaited. Members will be updated on the revised plans via the Update to Committee report process.

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 published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight 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 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 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.

BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE9 – Archaeological value
BE10 – Archaeological evaluation
BE12 – Space about buildings
BE23 – Crime prevention
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

National Planning Guidance

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

National Planning Guidance:

6.3 Planning Practice Guidance – Planning Obligations

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was originally advertised by site notices, press advert and neighbour notification letters. Following changes to the proposals the application was re-advertised by site notices and letters to neighbours and interested parties. A total of 51 representations have been received in response to the publicity. Four of these representations are in support of the application and the remainder either oppose the application or not do object to the principle of redeveloping the site but raise a number of specific concerns.

A summary of the concerns/objections raised is provided as follows:

Highways:

- Local road infrastructure unsuitable
- Highway improvements needed
- Traffic congestion
- Highway safety
- Inaccessible location
- Traffic impacting on air quality
- Footpath link should be provided across site from the POS to existing footpaths to the southwest
- Right of way should be provided through site
- Increased pressure on parking in Holmfirth
- Traffic assessment flawed

Character and amenity:

- Detrimental impact on the character of the area
- Harmful to visual amenity of the area
- Concerns with use of blue slate
- New buildings should not exceed height of existing mill
- Development should respect rural character
- Detrimental impact on the heritage of the site and its contribution to the surrounding area
- Commercial uses inappropriate for this site
- Scale of development is excessive
- Overdevelopment
- Noise and nuisance

- Light pollution

Other matters:

- Development will exacerbate flood risk issues in this area
- Impact on drainage infrastructure
- Culvert should revert to being opened up
- Impact on biodiversity/wildlife
- Impact on local facilities and services, including schools
- Publicity of application

7.2 **Holme Valley Parish Council** (comments in response to scheme as originally submitted) – “Support the application although Members have highways concerns. Any established rights of way to be maintained as far as possible”.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

Environment Agency – The sequential and exceptions tests need to be applied to the new build elements of this development where they fall within Flood Zones 2 and 3. No objection to the revised FRA subject to detailed technical assessment of flood risk by the council as Lead Local Flood Authority. Specific concerns raised with the proposed layout in terms of building over the culvert.

KC Highways – No objections in principle. Parking provision is below UDP maximum standards and justification for levels provided is required. Further clarification and assessment required for trip generation for The Carding Shed and residential elements.

8.2 **Non-statutory:**

KC Environmental Health – No objection subject to conditions.

KC Flood Management & Drainage – There should be a sequential approach to site layout. Object to development where it is built over the culvert. Adequate stand-off distances need to be applied to the culvert. Further information required in terms of the condition of the culvert and mill pond as well as investigation of mill race and tributaries just outside the site.

KC Ecology Unit – The proposals relating to Block E (The Carding Shed premises) do not give rise to any significant implications however a biodiversity impact and mitigation strategy needs to be agreed and implemented for the remaining buildings on site before any works to these buildings are carried out. New planting close to the mill pond will supplement and strengthen the existing wildlife corridor along south eastern site boundary.

KC Trees Officer – No objections subject to replacement planting being provided within the site, adjacent to the mill pond.

KC Conservation & Design – Generally this is a well thought out development. Some concerns raised with the visual dominance of parking and design amendments recommended for aspects of some of the new buildings which have been secured.

Yorkshire Water – No objection subject to conditions

KC School Organisation & Planning – Contribution of £185,391 towards local school place provision required.

KC Strategic Housing – There is a need for affordable housing in this area.

WY Police Architectural Liaison Officer – No objections. Surveillance of car parking areas is required, in particular parking spaces that are remote from the dwellings to which they relate and parking spaces for customers and staff of the hotel.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity and openness of the Green Belt
- Employment considerations
- Sequential assessment for main town centre uses
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Ecology issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development:

- 10.1 The site and its surroundings are washed over as Green Belt. The scheme involves the redevelopment of a brownfield site and the re-use and extension of existing buildings. Paragraph 89 of the National Planning Policy Framework (NPPF) allows for the redevelopment of previously developed sites where there would be no greater impact on the openness of the Green Belt and the purposes of including land within it. Paragraph 90 of the NPPF allows for the re-use of buildings provided that they are of permanent and substantial construction and their re-use does not conflict with the purposes of including land in Green Belt. Green Belt policy also allows for the extension of buildings provided that it does not result in disproportionate additions over and above

the size of the original building. The proposals are therefore acceptable in principle. An assessment of the impact on the Green Belt is provided in the following section of this appraisal.

- 10.2 Part 1 of the NPPF seeks to support sustainable economic growth through the planning system and part 3 of the NPPF promotes economic growth in rural areas, including through the conversion of existing buildings and supporting sustainable tourism. The scheme involves the relocation of a local business and the conversion of existing buildings to form new office space and a hotel. The overarching principle of the non-residential aspect of the proposed development is therefore consistent with parts 1 and 3 of the NPPF.
- 10.3 Part 6 of the NPPF seeks to deliver a wide choice of high quality homes and paragraph 49 records that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework is clear that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The council is unable to demonstrate a five year housing land supply and therefore housing policies are considered to be out of date. The presumption in favour of sustainable development is therefore engaged.
- 10.4 The development proposed will provide a mixture of new housing comprising apartments, two bedroom cottages and family townhouses which will help to boost the supply of housing in the district at a time of shortage. This weighs in favour of the development proposed.
- 10.5 Officers consider the principle of development to be acceptable.

Impact on the visual amenity and openness of the Green Belt:

- 10.6 The 48 dwellings as proposed comprise new buildings. The dwellinghouses and their curtilage would be predominantly contained within the footprint of existing buildings and structures and within areas of hardstanding. There is some encroachment by a small number of the properties that form block A and by the north eastern extent of block F as well as the rear gardens belonging to this row of townhouses but in both instances the extent of encroachment is limited and involves steeply sloping vegetated embankments which are subsequently contained by the levels of adjacent land which rise up.
- 10.7 The buildings that are to be demolished to make way for the houses are generally very substantial structures with extensive hardsurfacing around and consequently form expansive blocks of development. Having regard to the scale, mass and form of the proposed new buildings in comparison to that of the existing buildings that are to be demolished, officers are satisfied that the development proposed will have no greater impact on the openness and visual amenity of the Green Belt or the purposes of including land within Green Belt than the existing situation.

- 10.8 The buildings that are to be converted are all of permanent and substantial construction and their re-use would not conflict with the purposes of including land in Green Belt. The re-use of block E involves the enlargement of the developed part of the site at the rear of this building through the formation of an overspill car park but on balance this would not have any significant detrimental impact on the Green Belt given its location and the levels of surrounding land.
- 10.9 The proposed extensions are relatively minor in scale and would not result in disproportionate additions over and above the size of the original buildings that are to be extended.
- 10.10 In conclusion officers consider that impact on the Green Belt is acceptable and accords with the NPPF.

Employment considerations:

- 10.11 The existing site has an established industrial use. It was previously occupied by a carpet manufacturer (Westwood Yarns) however the company went into administration in December 2015 and the premises have subsequently remained vacant.
- 10.12 Policy B1 of the UDP aims to help meet the employment needs of the district and Policy B4 of the UDP sets out a series of criteria against which proposals for change of use of premises and sites with established use for business and industry will be considered.
- 10.13 The proposals involve some loss of land and buildings with established employment use however the scheme will allow for the relocation of an existing local business – The Carding Shed – which currently employs 55 staff and the company must vacate their existing premises in Hepworth by the end of June 2017. The proposals will therefore enable this existing business to remain within this part of the district.
- 10.14 The proposals also involve the creation of office space and a hotel within two of the existing buildings which will generate local employment opportunities.
- 10.15 The nature of the existing buildings together with the location of the site and its distance from the motorway network means that the site is not best suited to offer fit for purpose accommodation to meet modern employment needs. Whilst one of the buildings will be partly retained as a workshop, this is for a specific end user who is already based within the local area.
- 10.16 It is understood that following the previous owners of the site going into administration last year marketing of the site was undertaken by the receivers. Whilst details of the marketing are not known, the applicant's purchase of the site suggests that a new owner wanting to continue an industrial use could not be secured. The scale of the site, its rural location and the need for financial investment to bring many of the buildings up to standard are likely to have

been contributing factors to the lack of market interest together with the availability of other better located, better quality industrial premises.

- 10.17 Given that the scheme involves the retention of business uses on the site and considering the limitations of the site for modern industrial purposes it is considered that the application satisfies the aims of Policies B1 and B4.

Sequential assessment:

- 10.18 The proposals involve a number of elements that are classed as main town centre uses in the NPPF. These are the hotel (and its conference facility), offices and the restaurant and retail development associated with The Carding Shed.
- 10.19 The Council does not have any policies specifically relating to the location of hotels, offices, shops and restaurants although Policy S1 seeks to retain town and local centres as the focus of shopping, commercial, cultural and social activity.
- 10.20 Paragraph 24 of the NPPF states that “local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan”. The site lies approximately 1.6km to the south of Holmfirth town centre and is therefore an out of town location.
- 10.21 The NPPF says local authorities should require applications for 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 and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 10.22 Relevant Planning Practice Guidance indicates that the application of the sequential test should be “proportionate and appropriate for the given proposal.”
- 10.23 In line with published guidance, a Sequential Assessment should be undertaken from the starting position that the application site is available, suitable and that the proposed quantum of leisure/recreation/tourism use is viable.
- 10.24 The scale of development is such that an impact assessment is not required (NPPF paragraph 26).
- 10.25 The applicant has provided sequential information in relation to a hotel and restaurant on the site (reflecting the application as originally submitted). Holmfirth is the nearest large town centre to the site and it is reasonable for the applicant to have limited their search for alternative sites to this centre.
- 10.26 The sequential information provided in respect of the hotel indicates that there are no sites considered to be suitable and available within Holmfirth town

centre, particularly when taking into account the need for long stay parking with a hotel. Officers accept the applicant's conclusion on this matter.

- 10.27 The Carding Shed business involves a café/restaurant, function suite and a small number of shops along with the car maintenance and storage/display aspect. The business is currently located in a former mill in Hepworth and is required to vacate these premises by the end of June 2017. The owner has been searching for alternative premises and the application site has recently been identified as a suitable and available location, enabling the business to stay within the Holme Valley.
- 10.28 The business has a specific set of operational requirements including a large floor area and ample parking space for customers and staff. Whilst sequential information for the business has not been provided, officers accept that the scale and nature of the development are such that there are unlikely to be any sequentially preferable sites available. This is a niche business where the café/restaurant and shops are directly associated with the car element of the business and therefore it would not be reasonable to seek to disaggregate the different aspects of the business. The Carding Shed is also currently located in an out of centre location which further limits any potential for the vitality of any town or local centres to be harmed.
- 10.29 No sequential information has been provided in relation to the offices to the rear of the proposed hotel. It is however accepted that there is a need to bring about a viable use for this building that is compatible with the other uses proposed for the site. Offices would provide business and employment opportunities in this rural area, including occupiers of the residential element of the scheme. Economic growth in rural areas is supported by part 3 of the NPPF. Considering the overall benefits of the scheme it is considered that some modest office provision in this location is unlikely to significantly harm the vitality of Holmfirth town centre.
- 10.30 In conclusion officers are reasonably satisfied that there are no sequentially preferable sites for the main town centre uses proposed and the application site is therefore an acceptable location.

Urban Design issues

- 10.31 The development has taken opportunities to retain certain historic buildings which ensure that the context of the existing site is maintained. Equally the access points are as existing so providing a form that retains the established context of the development.
- 10.32 Block C and to a lesser extent Block A provide a sense of enclosure to Choppards Lane that was apparent during the use of the mill complex. The retention of Block E is welcomed, not just for its historical interest and the grounding of the development but it will form a visual stop when viewed from the Choppards Lane entrance; this is accentuated by the curve of the access road.

- 10.33 The design approach to the new buildings involves a mixture of traditional and contemporary aspects. Amendments have been secured to the design of block F to simplify its appearance and the overall design is now considered to be acceptable. Traditional materials are to be used (natural stone and slate) which will help the development to harmonise with the existing buildings and wider character of the area.
- 10.34 It is accepted that parking within the site close to the points of access will be quite prominent however there is very little scope to conceal the parking areas and on balance the parking layout is acceptable from a visual point of view. Surface and boundary treatments will help to delineate these areas and mitigate the visual impact and details can be secured by condition.
- 10.35 Overall officers consider the proposals to be of good design which would sit comfortably within the context of the established site and its surroundings.

Heritage issues:

- 10.36 The development will bring about a viable use (hotel) for the vacant grade II listed building on the site which will help to sustain the significance of this designated heritage in the long term.
- 10.37 The extension and alterations to the building are acceptable in principle and would not lead to any substantial harm. These works are also subject to separate assessment under an associated application for listed building consent. The wider public benefits of securing a viable use for the building and the provision of a use that would facilitate the growth of tourism in the area with associated benefits for the rural economy weigh in favour of this aspect of the scheme.

Residential Amenity

- 10.38 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.
- 10.39 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.
- 10.40 Separation distances between proposed dwelling and proposed dwelling within the site predominantly comply with Policy BE12 standards. There is however a small number of instances where there is a shortfall in separation distances between habitable windows. These are:
- 20m between dwelling A1 and dwelling C1 (1m shortfall)
 - 20m between dwelling A4 and dwelling C4 (1m shortfall)

- 17.5m & 19m between part of dwelling A5 and dwelling (3.5m & 2m shortfall)
- 18m between dwelling A9 and rear of the apartment block (3m shortfall)

10.41 The shortfalls generally arise because of the design of blocks A and C which incorporate variation within the building lines and projecting architectural elements. In addition there are layout constraints brought about by Green Belt considerations.

10.42 Officers are satisfied that an acceptable standard of amenity would be provided and the future occupiers would be aware of the relationship before purchasing the properties. Furthermore it is considered that amendments to blocks A and C to increase separation distances would detract from the overall quality of the design. The separation distances are therefore accepted.

10.43 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. Hours of use and deliveries can be controlled by condition.

10.44 In terms of residential amenity impacts the application is considered to be acceptable.

Landscape issues

10.45 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.

10.46 Soft landscaping within the site is relatively limited although this is in keeping with the established character of the mill complex.

10.47 Careful consideration of the treatment of the external boundaries, retaining walls and the more sensitive parts of the site, such as around the listed building and along the access road, can be secured by condition.

Housing issues

10.48 The development will contribute to the provision of new housing at a time when the Council cannot demonstrate a 5 year housing land supply.

10.49 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 exceeds the floorspace of the new dwellings.

Highway issues

- 10.50 The existing site benefits from two points of vehicular access from Green Lane and Choppards Lane. The submitted Transport Assessment states that the site housed up to 700 staff in the past, however the most recent use of the site had around 150 staff.
- 10.51 The local highway network of interest comprises Green Lane, Dunford Road, Washpit New Road and Choppards Lane.
- 10.52 A full Personal Injury Accident search and assessment has been undertaken in regards to the local highway network surrounding the site. The assessment covers the most recent 5 year period and has found that no accidents were recorded within this time period. This office is satisfied that there are no existing accident trends that this development would likely exacerbate.
- 10.53 Vehicular access to serve the site is proposed via a central access road running between Green Lane and Choppards Lane with a separate access serving a modest element of residential use and a further access to the west from Green Lane serving the overspill car park for The Carding Shed. An internal access to the east of the main access road is proposed to serve a further residential element comprising 15 dwelling houses.
- 10.54 In total, the development is proposed to be served by 218 car parking spaces broken down as follows:
- 48 Houses – 82 Spaces
 - 16 Apartments – 16 spaces
 - Unit E (Restaurant, Workshop (B2) and 852sqm (B1) – 80 spaces
 - Unit L (Hotel and 581sqm (B1) – 40 spaces
- 10.55 In terms of the housing element of the scheme, the level of parking provided represents an under-provision of 14 spaces in regards to the maximum adopted standards as contained within the UDP. Further information is awaited from the applicant in respect of the justification for this shortfall.
- 10.56 Unit E is proposed to form The Carding Shed element of the scheme. Further information is awaited from the applicant in respect of trip generation and parking requirements for this business and justification for the parking level provided. Additional information is also awaited on serving arrangements.
- 10.57 In principle Highways Development Management do not have any objections to the scheme subject to the additional information required. An update will be provided prior to the committee meeting in respect of the above.

Flood risk and drainage issues

Sequential assessment:

- 10.58 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).
- 10.59 New development should be steered towards areas at the lowest risk of flooding by applying a Sequential Test.
- 10.60 Some of the new build houses fall within Flood Zones 2 and 3 (much of blocks K, J and F).
- 10.61 The applicant has been asked to provide sequential test evidence to justify the new dwellings that fall within Flood Zones 2 and 3. It needs to be demonstrated that there are not any alternative sites that are reasonably available and appropriate for this housing within an area that has a lower probability of flooding.
- 10.62 If this is passed, a sequential approach should then be applied to the site layout. The new housing should first be located within the parts of the site with lowest probability of flooding.
- 10.63 If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding the Exception Test can be applied. For the Exception Test to be passed:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.64 Sequential information has not been provided as part of the application and this has been requested from the applicant. An update on this issue will be provided to members prior to the committee meeting.

Flood risk:

- 10.65 Following further survey of the culvert in January 2017 the site plan now shows houses being built over the culvert (houses K6, K7 & J7). Building over the culvert is unacceptable because this would significantly compromise its long term integrity and raises issues with maintenance and liability. What is more, the applicant's FRA relies on the fact that the integrity of the culvert is maintained in order to mitigate flood risk to the development. Amended plans

have therefore been requested from the applicant that removes the three dwellings over the culvert. Plot J6 is immediately adjacent to the culvert and will need to be amended to provide an adequate stand-off distance. It has been confirmed that amended plans showing this change are to be submitted.

- 10.66 An amendment has also been requested to block F in order to provide greater stand-off distances to the culvert to limit loading and allow for maintenance. This will also reduce the amount of development within Flood Zones 2 and 3.
- 10.67 Further information has also been requested in relation to the condition of the mill pond and mill race in the context of managing flood risk as well as two tributaries outside of the site at Lamma Wells Farm and Green Lane which need to be assessed for their condition, route and potential overland flows in extreme events.
- 10.68 An update will be provided on these matters.

Drainage:

- 10.69 Officers accept the findings of the FRA in that sustainable drainage systems including infiltration techniques are unlikely to be suitable on this site.
- 10.70 The drainage scheme is for surface water to discharge to watercourse - this is the culverted watercourse that crosses the site i.e. culverted section of the River Ribble. This is acceptable in principle and follows the hierarchy of disposal.
- 10.71 An assessment of the capacity and condition of the culvert has been carried out and the FRA concludes that there is sufficient capacity within the culvert to contain the 1% annual probability flood event. Notwithstanding this information, officers consider that further assessment of the culvert's capacity and condition is required and this can be secured by condition.
- 10.72 Surface water will be attenuated on site to restrict the rate at which water enters the watercourse. The discharge rate will need to be agreed through a detailed drainage design scheme. The size of the attenuation will need to be agreed and will be influenced by the further assessment of the culvert's capacity.
- 10.73 Subject to the findings of the culvert condition survey, a schedule of repairs will need to be approved and carried out by way of condition. Long term maintenance of the culvert by a management company will need to be secured by S106.
- 10.74 Foul drainage will discharge to the public combined sewer crossing the site. Yorkshire Water have not raised any objections to this.

Ecology:

- 10.75 An ecological survey has been submitted with the application. 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 some of the buildings within the site have moderate to high bat roost potential. The habitat of a specific protected species is also identified within the site.
- 10.76 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.
- 10.77 The developer's priority is to enable The Carding Shed to begin operating from block E given the time pressure the business is under to relocate. This involves significant internal and external alterations to the building and the provision of parking areas. Works on this element of the scheme would not give rise to any significant ecological impacts and so there are no constraints in this regard to development commencing in this part of the site.
- 10.78 The Ecology Unit has however recommended that further survey work is carried out, particularly in relation to the potential for bat roosts within the buildings in the southern part of the site that are to be demolished. Following discussions between the Ecology Unit and the applicant's ecological consultant, officers are satisfied that a phasing arrangement can be agreed whereby no works to buildings other than block E take place until additional survey work has been carried out and all necessary mitigation measures have been agreed and implemented.
- 10.79 The proposed layout does not include development within the immediate area of the habitat of the separately identified protected species. The impact on this species will be modest with a relatively limited loss of foraging habitat. Whilst there would be a greater human presence on the site this in itself should not significantly compromise this species. The developer's responsibilities in respect of this species is controlled by separate legislation.
- 10.80 In summary the ecological impacts of the development are considered to be acceptable subject to the agreement of a phasing plan for the carrying out of development, further survey work and the implementation of the recommendations in the ecological report and other mitigation and enhancement measures to be informed by the additional survey work. All of these matters can be agreed by conditions.

Planning obligations

- 10.81 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.
- 10.82 The size of the POS exceeds policy requirements. The topography and nature of this area does not lend itself to formalised play provision although it does provide an opportunity for 'natural play'. The footpath currently links to the car park and an amended plan has been requested to avoid this and provide a circular link instead. The nature of the POS provision is suitable for this rural area and will provide an attractive setting for the development.
- 10.83 An education contribution of £185,391 towards local school place provision required. The applicant has advised that they are agreeable to paying this figure provided that additional surface water attenuation is not required. The surface water attenuation will be agreed separately and if the applicant is unable to fulfil the education contribution at a later date then they will need to successfully demonstrate viability and seek to modify the S106 by way of separate application.

Representations

- 10.84 A summary of the representations received is provided at section 7. The main concerns are around the adequacy of the local road infrastructure and the impact of the development on traffic and highway safety. Highways Development Management raise no objections to the principle of development but further information is awaited in respect of parking provision, serving arrangements and trip generation associated with The Carding Shed.
- 10.85 One of the other main concerns is in relation to the impact on local services and in particular schools. The development triggers a contribution towards education provision at Holmfirth Junior and Infant School and Holmfirth High School.
- 10.86 The other main issues raised have been addressed within the relevant sections of this appraisal. In terms of the concerns over the adequacy of the publicity of the application, officers consider that the publicity has met the council's obligations.

Other Matters

- 10.87 Given the previous industrial activities at the site conditions are recommended to deal with land contamination matters.
- 10.88 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 4 years ago.

- 10.89 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.
- 10.90 A small area within the site is identified as a class II archaeological site. A search of West Yorkshire Archaeology Advisory Service records does not indicate any archaeological sites being present however a condition can be imposed if necessary.
- 10.91 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 however 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.
- 10.92 The PROW officer has 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. This would enhance the accessibility of the development, in accordance with guidance in the NPPF. A response from the applicant is awaited on this issue.
- 10.93 A condition regarding electric vehicle charging points is recommended in line with WYLES Planning Guidance.

11.0 CONCLUSION

- 11.1 The principle of the development is considered to be acceptable in terms of the redevelopment of this brownfield site within the Green Belt.
- 11.2 The scheme provides a number of benefits; the development will enable a prominent local employer to stay within this part of the district, it will provide other business and tourism uses that will benefit the local economy and it will deliver a mixture of high quality housing. The scheme also incorporates public open space and will provide a contribution to local education provision.

11.3 Subject to the provision of further information in relation to flood risk, drainage, highway matters and ecology officers are satisfied that the impacts of the development can be adequately mitigated.

11.4 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 Development Management)

1. Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Restrictions on operating hours including deliveries of the Carding Shed (to be confirmed in the update report)
5. Surfacing of car parking areas and curtilage of non-residential uses
6. Boundary treatments
7. Detailed drainage scheme including culvert capacity and condition survey with schedule of repairs
8. Contaminated land and landfill measures
9. Archaeological investigation as may be necessary
10. Ecological survey work and mitigation
11. New tree planting

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93428>

Certificate of Ownership – Certificate A signed.