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**Report of the Head of Development Management**

**STRATEGIC PLANNING COMMITTEE**

**Date: 27-Apr-2017**

**Subject: Planning Application 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 (Listed Building) Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD**

**APPLICANT**

Rob Cooke

**DATE VALID**

27-Oct-2016

**TARGET DATE**

26-Jan-2017

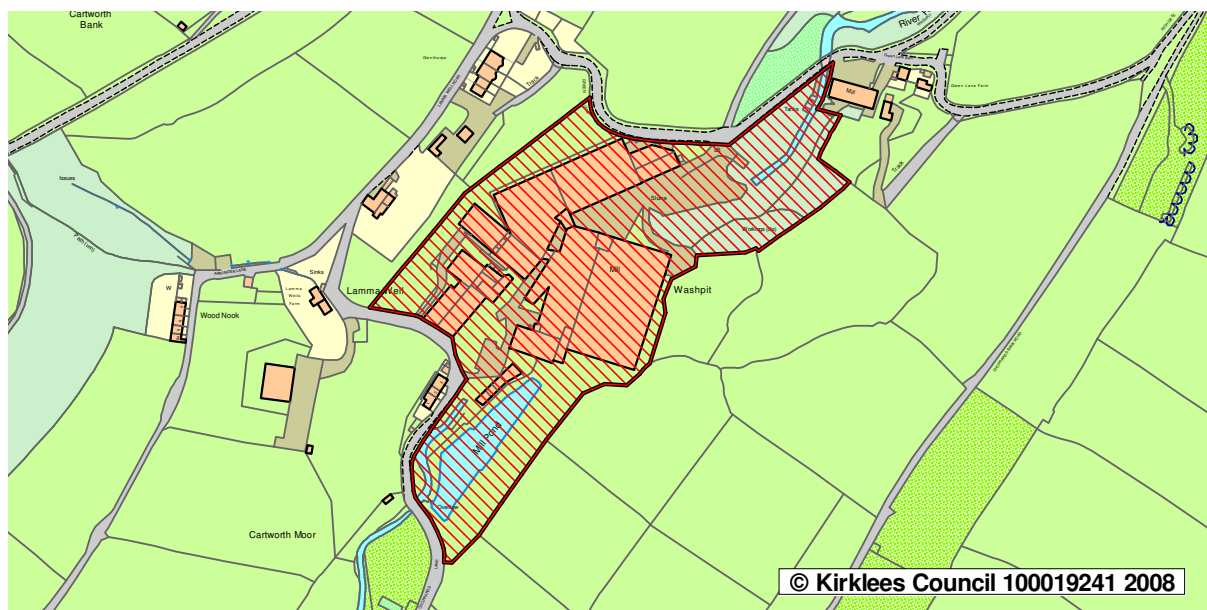
**EXTENSION EXPIRY DATE**

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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  
(referred to in report)

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**RECOMMENDATION:**

**To inform the Planning Inspectorate that the Local Planning Authority would have approved the application had its determination remained within its remit, subject to the conditions referenced in this report and subject to a S106 agreement covering the following matters:**

- 1. Financial contribution towards local education provision (£172,658).**
- 2. Financial contribution towards off-site highway works (£50,000)**
- 3. Financial contribution towards bus stop improvement (£5,000) and Metro Card provision (£5,000)**
- 4. Mechanism for the provision and future management of the public open space within the site**
- 5. Future maintenance and management arrangements for the culverted watercourse within the site (River Ribble) and mill pond**

**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 application was deferred at the Strategic Committee meeting on 2<sup>nd</sup> March 2017. Information was missing from the application in respect of highway matters, flood risk and drainage issues and sequential test information relating to main town centre uses. The committee requested that the application be brought back for a decision once these areas of outstanding information had been addressed. This information has now been provided.
- 1.2 At the time of the previous committee meeting an appeal had been lodged with the Planning Inspectorate against the non-determination of the planning

application however the appeal was deemed to be invalid because certain information needed to validate the appeal had not been provided. The Council has subsequently received notification that the appeal is now valid.

- 1.3 In light of the valid appeal the determination of the application now rests with the Planning Inspectorate and not the Local Planning Authority. The application is therefore brought before the committee for a resolution as to what decision the council would have made had the determination of the application remained within its remit.

## **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 The scheme (as amended) provides a total of 61 residential units comprising 45 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 249 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 Three dwellings have been removed from the row of properties forming blocks J and K in order to prevent building over the culverted section of the River Ribble that runs through the site.
- 5.5 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.

- 5.6 A meeting was held with officers, the applicant, applicant's representative and Cllr Nigel Patrick on 9<sup>th</sup> 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.
- 5.7 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.
- 5.8 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.

## **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 (including The Carding Shed business forming part of the scheme), the application was re-advertised by site notices and letters to neighbours and interested parties. A total of 52 representations were 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.

7.2 Following the Strategic Committee meeting on 2<sup>nd</sup> March 2017 further information was submitted by the applicant in support of the application. Neighbours and interested parties were notified of this by letter. The publicity period expires on 21<sup>st</sup> April 2017. Four representations have been received to date in response to this additional period of publicity.

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

Highways:

- Significant level of traffic generated because of scale of development
- Local road infrastructure unsuitable
- Highway improvements needed
- Level of parking inadequate
- 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
- Transport assessment based on historic use of site and traffic generated is misleading
- Traffic assessment flawed
- The additional and updated highways information submitted March/April 2017 does not address original highway concerns. Significant concerns remain with the number of houses and the impact on the local highway network, especially at peak times.

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 nuisance from functions associated with The Carding Shed
- Light pollution/lighting should be minimised

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
- POS, footpaths and cycling facilities should be provided
- Publicity of application
- Development will impede an existing field access to the north

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 Flood Management & Drainage** – No objections subject to conditions and subject to a S106 agreement for the future maintenance and management of drainage infrastructure including the culverted watercourse and mill pond.

**KC Highways** – No objections following receipt of further information

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

**KC Environmental Health** – No objections although consideration of noise mitigation for the residential units closest to the proposed function room is necessary given their proximity

**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 £172,658 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.

**WY Archaeology Advisory Service** – No specific objections raised

## **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 45 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 café-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 applicant has provided sequential information in relation to the main town centre uses. 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.

10.24 The scale of development is such that an impact assessment is not required (NPPF paragraph 26).

10.25 The sequential information provided in respect of the hotel and offices indicates that there are no sites considered to be suitable and available within Holmfirth town centre or in an edge of centre location that are capable of accommodating the scale of development proposed. This is predominantly as a result of existing uses of land and physical constraints as well as a lack of

land availability of the scale required. Officers accept the assessment's conclusions.

- 10.26 With regard to the Carding Shed, the sequential assessment states that "whilst the business offers a range of facilities its main operation is in relation to classic cars and the workshop. The café and retail offer is ancillary to the main use and not separate from it, and therefore it does not require separate sequential assessment".
- 10.27 Officers recognise that the café-restaurant (with ancillary function room) and retail use are intrinsically linked to the car element of the business and whilst the café-restaurant, and to a much lesser extent the shops, are likely to generate specific trips in their own right it would be unreasonable to seek to disaggregate the different aspects of the business by seeking to locate these aspects within a town centre. Furthermore, the Carding Shed business as a whole has a specific set of operational requirements including a very large floor area and ample parking space for customers and staff. This limits potential town centre sites, especially within the Holme Valley and as such there is very limited scope for seeking to locate the entire business within a sequentially preferable location.
- 10.28 In conclusion, officers accept the findings of the sequential assessment and consider that the impact on the vitality of Holmfirth town centre would not be unduly prejudiced. Furthermore the proposals will 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.

#### Urban Design issues

- 10.29 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.
- 10.30 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.
- 10.31 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.

- 10.32 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.
- 10.33 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:

- 10.34 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.
- 10.35 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.
- 10.36 The listed building on the site is currently in a good state of repair. In terms of the phasing of the proposed development it is likely that the redevelopment of the listed building to a hotel will be towards the end and therefore it may be a number of years before its conversion. To ensure that the condition of the building does not deteriorate over this period a condition is recommended for a management plan for the maintenance of the listed building that is tied to the phasing of the development. This could, for example, involve an annual inspection report to be carried out and submitted to the council for approval, with any repairs carried out as necessary to ensure the building remains weathertight.

Residential Amenity

- 10.37 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.
- 10.38 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.
- 10.39 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)

10.40 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.

10.41 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.

10.42 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 function room opening hours and operation. Specific consideration has been given to the relationship between the function room and the closest of the proposed new dwellings - dwelling A9 and the apartment block (D)

10.43 In terms of dwelling A9, there is a significant difference in levels between this dwellinghouse and the function room which will go some way towards mitigating the impact of noise from the use of the function room. In addition an acoustic fence can be incorporated along the boundary which will further mitigate noise and noise attenuation glazing could also be installed within this dwelling.

10.44 In terms of the apartments, a degree of noise attenuation would naturally be provided by the position of the function room relative to the apartment buildings and noise attenuation glazing could also be installed to the apartments that are closest to The Carding Shed.

10.45 With regard to the opening hours of the Oil Can Café and its associated function room, the proposed hours are:

Monday to Sunday daytime 10am to 4pm

For evening events (do not occur everyday but allowing flexibility):

Sunday to Thursday Evenings 6.30pm to 11pm (Licensed)

Friday & Saturday Evenings 6.30pm to 12 Midnight (Licensed)

- 10.46 The proposed hours are considered to be acceptable and can be controlled by condition.
- 10.47 A condition is also considered necessary in relation to a noise management plan for the Oil Can Café function room. This will include details of how music levels will be controlled (for example a sound limiter) and monitored as well as appropriate signage regarding respecting local residents in external areas/car parks, taxi agreements regarding the sounding of horns/quiet pick-ups and contact numbers for Management in the event of complaints.
- 10.48 Standard conditions are recommended in terms of addressing potential noise nuisance from plant.
- 10.49 Officers are satisfied that subject to the above restrictions the amenity of future occupiers of the proposed dwellings as well as the amenity of existing properties surrounding the site would be adequately protected.

#### Landscape issues

- 10.50 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.
- 10.51 Soft landscaping within the site is relatively limited although this is in keeping with the established character of the mill complex.
- 10.52 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

- 10.53 The development will contribute to the provision of new housing at a time when the Council cannot demonstrate a 5 year housing land supply.
- 10.54 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

- 10.55 The existing site is currently vacant has an established use as general industrial premises (use class B2). The site was last used as a carpet manufacturer. 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.
- 10.56 The existing site benefits from two points of vehicular access from Green Lane and Choppards Lane.
- 10.57 The local highway network of interest comprises Green Lane, Dunford Road, Washpit New Road and Choppards Lane. Among other less beneficial routes, the route most likely to be taken to the site by residents and visitors would be Washpit New Road/Green Lane which connects to Dunford Road.
- 10.58 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.
- 10.59 Following the committee meeting on 2<sup>nd</sup> March further trip rate analysis of the former use versus the proposed use has been carried out. This now contains a more robust scenario in terms of potential net change in traffic generation.

	Existing B2 Use			Proposed Uses			Net Change		
	Arrivals	Depart	Total	Arrivals	Depart	Total	Arrivals	Depart	Total
AM	76	40	<b>115</b>	35	38	<b>73</b>	-41	-2	<b>-43</b>
PM	22	66	<b>88</b>	42	40	<b>82</b>	+24	-29	<b>-5</b>
24hr Daily	548	541	<b>1,089</b>	250	246	<b>496</b>	-298	-295	<b>-593</b>

- 10.60 Although officers consider that there is an acute discrepancy between the assumed traffic generation of the previous use of the site in planning terms against local knowledge, it is accepted that the existing use class could generate HGV and car borne trips higher than that of the proposal.
- 10.61 Additional information has also been submitted in respect of trip generation specifically for The Carding Shed business.
- 10.62 Details of staff numbers and typical weekday / weekend visitors have been provided. The level of trips generated during the week by staff and visitors is considered reasonable in its assessment, the peak of 300 weekend visitors generating an average 100 two way trips is considered to be generally acceptable.
- 10.63 The busiest times of the day for the Oil Can Café business are understandably during the middle of the day both during the week and at

weekends. This currently sees in the region of 60 covers during the week and 100 covers on the weekend at any one time. Anecdotal evidence suggests that of 100 visitors during a weekday this results in around 50 vehicle trips (one way) and 300 visitors during a weekend day would see around 100 trips (one way).

- 10.64 An assessment of both forward visibility upon the carriageway and vehicular visibility splays at junctions contained within the vicinity of the site have been provided. The assessment concludes that in relation to local context the existing use of the junctions do not encourage high vehicle speeds with drivers proceeding accordingly.
- 10.65 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. There are no existing accident trends that this development would likely exacerbate.
- 10.66 Taking into account the established use of the site, officers consider that the level of traffic that the development is likely to generate could be accommodated on the local highway network without significantly and demonstrably prejudicing highway safety. Local concerns in this regard could not therefore be substantiated as a reason for refusal.
- 10.67 In terms of parking provision, at its busiest The Carding Shed utilises around 85 spaces at its existing site. 80 parking spaces are proposed for the Carding Shed and on balance the level of parking is considered to be acceptable. A further 5 visitor spaces are proposed in close proximity to cater for any overspill. A further 17 visitor spaces are also available throughout the site.
- 10.68 The main thrust of concern with regards to traffic and parking has been the anecdotal evidence suggested with regards to the large, albeit sporadic, events in terms of car rallies that take place at the existing site and the level of traffic and parking associated with such events. Given the nature and scale of these events in relation to the constraints of the outdoor space within the site, the impracticalities of holding sizable events are acknowledged. A condition could be imposed regarding the management of any such events in terms of car park management.
- 10.69 In terms of parking for the other elements of the scheme - including the housing - the level of parking provided is considered to be acceptable.
- 10.70 Access for The Carding Shed workshop is considered acceptable for cars entering being able to turn around within the workshop area internal to the building.
- 10.71 In terms of refuse collection and servicing of the site, the internal road layout will be privately maintained and managed and the applicant is satisfied that it will meet the site's operational requirements.

- 10.72 The main and most appropriate route to the site will be via Washpit New Road/Green Lane. A signage strategy for both pedestrian and highway signage around the locality of the area so as to direct traffic via this route will be required. This is of particular importance for visitors to The Carding Shed.
- 10.73 It is considered that pedestrian connectivity between the site and Holmfirth should be improved. This is to enhance the accessibility of the development by improving links for future residents and visitors and staff of the non-residential uses.
- 10.74 A potential scheme has been put forward by the applicant that would see verges become hard surfaced with a mixture of part tarmac, part stone with continuous white lining rather than a kerb to delineate the carriageway along this route. This would be an improvement and is of an appropriate nature having regard to the rural setting of the route. The proposals will be subject to a detailed design which should take into account pedestrian safety and convenience, lighting, drainage, and signage of the route. The applicant has offered £50,000 towards these works.
- 10.75 The applicant has also offered to provide £10,000 to improvements to existing bus stop facilities and infrastructure. The applicant is proposing the upgrade of the bus stop on Dunford Road at its junction with Washpit New Road to a cantilever shelter. The bus stop improvement is welcomed. Officers also consider that the scheme should provide a proportion of Metro Cards for future residents and staff using the site. This is in order to enable the development to meet wider sustainability objectives in the NPPF and the aims of the submitted travel plan. In response the applicant has suggested that the £10,000 offered for the bus shelter could be split between the shelter and Metro Cards. £5,000 would deliver about 11 Metro Cards. This number of Metro Cards is very low considering the scale of the development. Officers are investigating whether £5,000 could deliver a cantilever shelter and an update will be provided on this.
- 10.76 The additional information submitted has addressed previous concerns raised by Highways Development Management and in conclusion it is considered that the development would not result in any significant and demonstrable harm to highway safety having regard to the established use of the site. The application accords with Policies T10 and BE1 of the UDP.

#### Flood risk and drainage issues

- 10.77 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).
- 10.78 New development should be steered towards areas at the lowest risk of flooding by applying a Sequential Test. The Sequential Test is applicable to the new build houses that fall within Flood Zones 2 and 3 – this means the

majority of blocks K, J and F. 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.

10.79 Following application of the Sequential Test, if 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.

10.80 The applicant has provided information in relation to the Sequential and Exception Tests.

10.81 The information states that a search of alternative sites within the district has been undertaken and concludes that there is a shortage of land available that is comparable to this development having regard to the overall scale of the site and the mixed use nature of the proposals. The Sequential Test does not therefore identify any sites considered by the applicant to be appropriate or reasonably available and that are at a lower risk of flooding. The information is accepted for the purposes of the Sequential Test.

10.82 It is therefore relevant to apply the Exception Test. In terms of the first part of the test, officers are satisfied that the wider sustainability benefits of the development, including the redevelopment of this brownfield site and facilitating the relocation of a local business with the associated economic benefits, outweigh flood risk in this instance. Whilst the Sequential and Exception tests are only to be applied to the new build houses that fall within Flood Zones 2 and 3, this element of the scheme cannot be assessed in isolation and the development needs to be viewed in its entirety as a mixed use scheme. The quantum of new housing proposed is considered to be reasonably necessary to facilitate the non-residential elements of the scheme to be brought forward, including the redevelopment of the listed building and the conversion of the workshop to alternative employment uses. On this basis there is a site specific argument for locating the new build dwellings on the site.

10.83 With regard to the second part of the test, information has been provided to demonstrate that those dwellings within flood zones 2 and 3 (blocks F, J and K) will be safe for their lifetime because the finished floor levels will be above the natural low point within the site and main flood route which is the access road and adjoining parking areas. Officers are also satisfied that the site would not increase flood risk elsewhere having regard to existing run-off rates within the site and the proposed surface water drainage scheme.

- 10.84 When considering the layout of the proposed site a sequential approach should also be applied to the location of the new dwellings, avoiding the parts of the site that are at a higher risk of flooding where possible. The majority of blocks F, J and K fall within Flood Zones 2 and 3 on the Environment Agency Flood Map.
- 10.85 A sequential approach to the site layout has been justified following critical analysis of Flood Zones 2 and 3 based on a detailed topographical survey of the site. As a result of this exercise the Environment Agency's Flood Zones 2 and 3 have been remodelled by the applicant and the dwellings fall outside of higher risk areas. This has been accepted by Kirklees Flood Management and Drainage. The FRA also shows a flood route zone in the event of a blockage of the culverted watercourse. This indicates that water would flow along the access road and adjoining parking areas. Blocks F, K and J do not fall within this flood route zone and the finished floor levels of these dwellings would all be at least 300mm above the level of the adjacent section of the access road.
- 10.86 Other measures have been provided to mitigate flood risk. The scheme was amended to remove dwellings being built over the culverted section of the River Ribble resulting in three dwellings being deleted and subsequent design modifications to the northern end of blocks J and K as well as the repositioning of block H in order to maintain window-to-window separation distances.
- 10.87 Acceptable stand-off distances between new buildings and the culverted watercourse have also been provided across the site.
- 10.88 A full survey of the size and condition of the culvert (River Ribble) would be required by condition and where some buildings are to be removed it is likely that remedial work will be required. Remedial works would form part of the condition. Long term maintenance of the culvert by a management company will need to be secured by S106.
- 10.89 There is an existing mill pond within the site and officers are satisfied that new parts of the development would be largely unaffected if there was a flood event associated with mill pond. Mitigation of risk to the site as whole is however required and to this end it is deemed necessary for a condition requiring an assessment of the condition of the mill pond with a schedule of repair/remedial works as appropriate to be submitted. A S106 for the future maintenance and management of the mill pond is also deemed necessary in this regard.
- 10.90 Two small tributaries have been identified which enter the site from the north. The proposed layout does not conflict with the location of the tributaries although an assessment of their condition and any necessary repairs is considered appropriate. This can be conditioned.
- 10.91 The proposed surface water drainage strategy is to connect to the culverted watercourse within the site. In principle this is supported by Kirklees Flood Management and Drainage subject to detailed design. The detailed design

will establish the need and extent of any attenuation. The size of the attenuation will be influenced by the further assessment of the culvert's capacity.

- 10.92 Foul drainage will discharge to the public combined sewer crossing the site. Yorkshire Water have not raised any objections to this.
- 10.93 In summary, the additional flood risk and drainage information provided since the Strategic Committee meeting on 2<sup>nd</sup> March 2017 is such that the layout is supported by officers in terms of flood risk and officers are satisfied that an acceptable drainage scheme can be provided subject to conditions.

Ecology:

- 10.94 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.
- 10.95 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.
- 10.96 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.
- 10.97 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.
- 10.98 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.

- 10.99 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

- 10.100 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.
- 10.101 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 it is recommended that revised details of the walkway are secured by condition to avoid users entering/exiting within the car park.
- 10.102 The nature of the POS provision is suitable for this rural area and will provide an attractive setting for the development.
- 10.103 An education contribution of £172,658 towards local school place provision is required and would be secured by S106.

#### Representations

- 10.104 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, particularly as a result of the amount of houses and the nature of The Carding Shed business. Considering the established use of the site and its potential traffic generation officers do not consider that such concerns would justify a refusal of the application.
- 10.105 The other main issues raised have been addressed within the relevant sections of this appraisal. One of these concerns which has been raised by a number of objectors relates to the impact on local services and in particular schools. In response, the development triggers a contribution towards education provision at Holmfirth Junior and Infant School and Holmfirth High School. Health facilities are a matter for those providers and cannot be addressed directly through a planning application.
- 10.106 A neighbouring land owner has raised an issue with an existing private field access being impeded to the northern site boundary. The applicant is unaware that such a right exists but in any event this is a private civil matter for the parties concerned to resolve.

## Other Matters

- 10.107 Given the previous industrial activities at the site conditions are recommended to deal with land contamination matters.
- 10.108 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.
- 10.109 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.
- 10.110 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 been consulted and have not raised any objections or recommended the need for archaeological recording.
- 10.111 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.
- 10.112 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.
- 10.113 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 and off-site highway works to improve accessibility.
- 11.3 Issues with flood risk and drainage, the highway assessment and location of main town centre uses have all been addressed through the submission of additional information.
- 11.4 The development would comply with relevant local policies and is considered to be sustainable having regard to the NPPF taken as whole.
- 11.5 In light of the appeal against non-determination, the recommendation is therefore to inform the Planning Inspectorate that the council would have approved the application had its determination remained within its remit.

## **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 of The Carding Shed
5. Surfacing of car parking areas and curtilage of non-residential uses
6. Boundary treatment details
7. Detailed drainage scheme including culvert capacity and condition survey with schedule of repairs
8. Assessment of mill pond and tributaries
9. Temporary drainage scheme
10. Drainage relating to fats, oil and grease from restaurant
11. Oil petrol interceptor from car parks
12. Stand-off distances to culverted watercourse
13. Contaminated land and landfill investigation and remediation
14. Ecological survey work and mitigation
15. New tree planting
16. Noise attenuation measures for dwelling A9 and block D
17. Management of function suite

### **Background Papers:**

Application and history files.

Website link:

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

Certificate of Ownership – Certificate A signed.