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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 30-Nov-2017**

**Subject: Planning Application 2017/91888 Change of use, alterations and extensions to former mill buildings to form mixed use development comprising of food manufacturing, cookery school, cafe, shop, restaurant, cooking demonstration/tasting areas and management offices/suite. Outdoor seating areas, service yard, parking and associated landscaping works Woodlands Mill, Luke Lane, Thongsbridge, Huddersfield, HD9 7TB**

**APPLICANT**

D & LS Developments  
Ltd, C/O Agent

**DATE VALID**

15-Jun-2017

**TARGET DATE**

10-Aug-2017

**EXTENSION EXPIRY DATE**

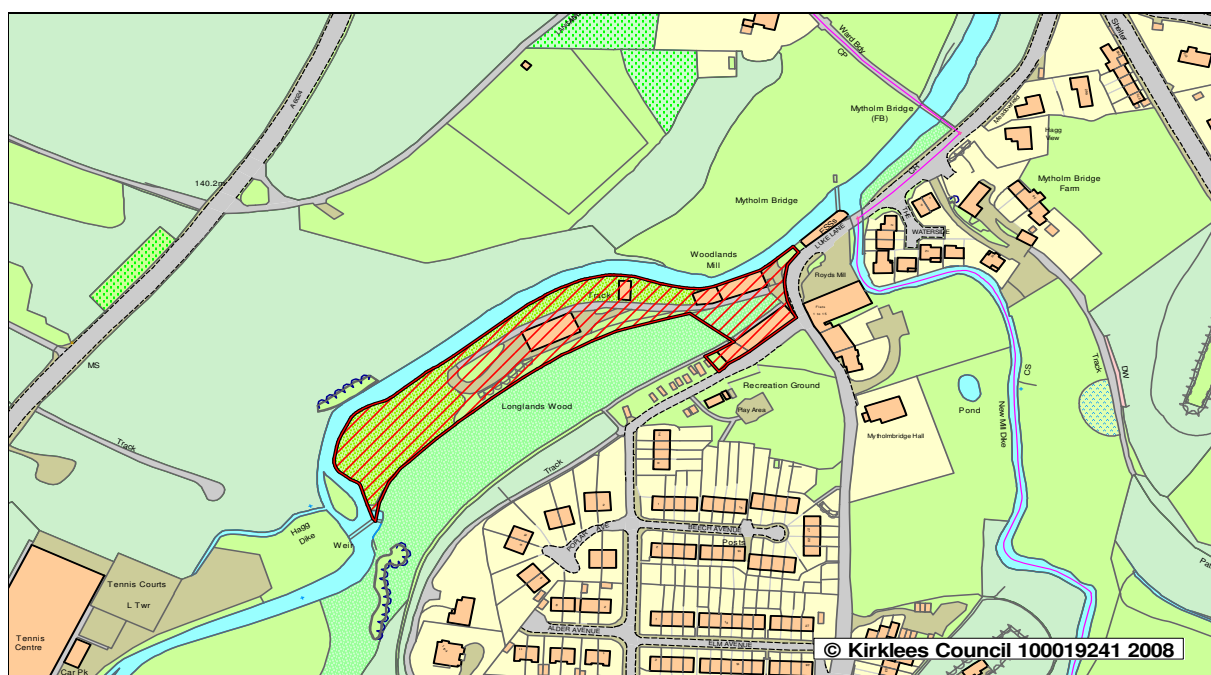
05-Dec-2017

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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:**

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

**1.0 INTRODUCTION:**

1.1 This application is brought to the Strategic Planning Committee in accordance with the Delegation agreement, as the proposal represents a non-residential development where the site boundary is over 0.5 hectares.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site comprises of two existing mill buildings and an area of land located adjacent to the River Holme, Luke Lane and Woodlands Avenue. The buildings on site are constructed from stone with a central point of access which leads from Luke Lane to the rear of the site where a portal framed building is located. The buildings on site are currently vacant having last been used in association with a wood turning business. The building to the north adjacent the river is single storey but with a large roof area, and has been extended to the rear with a lean to roof. The building to the south is located on the corner of Luke Lane and Woodlands Avenue and is two storey to the east, which reduces to single storey following the topography of the site. Running through the site adjacent the building to the south is a public right of way (PRWO) Holmfirth 50. Within and around the site are a number of mature trees and a woodland which have been protected by way of a preservation order.

2.2 Opposite the site to the east is a 3 storey stone mill building which has been converted into residential use. To the south is a recreation ground with residential properties further to the south. To the west is a dense woodland, to the north is a grassed paddock area, and further to the north east is the Holme Valley Camping and Caravan site. Access to the site is via Luke Lane from the north east which leads to the junction with New Mill Road (A616), with Luke Lane and Woodlands Avenue leading to the south with their junction with Miry Lane.

**3.0 PROPOSAL:**

3.1 The application seeks full planning permission for the change of use, alterations and extensions of existing former mill buildings to form mixed use

development comprising of food manufacturing, cookery school, cafe, shop, restaurant, cooking demonstration/tasting areas and management offices/suite. The proposal also includes the formation of a service yard, parking, outdoor seating areas, and associated landscaping works.

- 3.2 The application site consists of works to two distinctive buildings and works to form the parking and services associated with the use of the site. Each of these parts of development have been described below:

#### Northern Building (Phase 1)

- 3.3 The northern building will contain a mix of uses which would include a deli/retail space, deli eatery and a cookery school. The uses within this building would be flexibly laid out to maximise the operation of the building. To facilitate the development of the building it would be extended to the east (front) with a single storey toilet block that would have a mono pitched roof and be 8.4 metres long by 4.3 metres wide. To the west (rear) an existing building would be demolished and a new extension constructed which would have a projection of 14.2 metres from the main body of the existing building and have a maximum width of 8.6 metres. The extension would be the width of the existing building with a step in along its western end to follow the alignment of the road. The roof of the building would also be replaced following the design of the existing but with the provision of additional roof lights and windows. Windows to serve the development would be located along the northern elevation utilising a number of existing openings in the building to remain and forming a larger section of glazing in the western extension. The extensions would be constructed from materials to match and the roof covered in blue slate tiles.

- 3.4 The applicant has confirmed the following hours of use for this part of the development

- Cookery School - 10am – 3pm and 7pm to 8pm
- Deli Retail - 9am to 6pm
- Deli Eatery – 9am to 6pm

#### Access, Parking Layout and Servicing (Phase 1)

- 3.5 The proposal would utilise the existing point of access with a new formal driveway installed adjacent to the northern building that would run along the building to the existing opening where 42 parking spaces would be formed. An additional overflow car park of 53 spaces would also be formed to the rear of the main car park. Access to the site would be gated. To allow for the formation of the car park a new retaining wall would be erected along southern boundary of the access and car park to allow for land levels to be levelled. Servicing and bin storage for the development would be located between the two buildings adjacent to the access road. An area of land would be formed with the erection of retaining walls.

#### Southern Building (Phase 2)

- 3.6 The southern building would contain a second phase cookery school at ground floor level and a restaurant at first floor level. To facilitate the change of use of this building a small extension would be attached to the western end of the building, this extension would be project 5.5 metres from the building

and be 9.5 metres wide. The extension would be constructed from materials to match and would house staff facilities associated with the restaurant operation.

3.7 The applicant has confirmed the following hours of use for this part of the development

- Cookery School - 10am – 3pm and 7pm to 8pm
- Restaurant – 12pm – 3pm and 6pm to 10.30pm

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

4.1 2003/92598 - Change of use of former dye house and wood turning workshop to 11 residential units and associated car parking - Approved

*Adjacent site to the east Royds Mill*

4.2 2003/92859 - Conversion of mill to 15 apartments (modified proposal) – Approved

4.3 2002/94367 - Conversion of mill to 15 apartments - Approved

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

5.1 Planning and Highway Officers have carried out extensive negotiations with the applicant into the scheme in relation to the scale and design of the proposed development, its impact on trees, ecology and impact on highway safety. In total design amendments were submitted on 3 occasions with further highway information submitted on 3 occasions. The scheme has been reduced in proposed floor space from 1,178 square metres to 885 square metres a reduction of 25%. This reduction has included the removal of a bridge link between the two buildings, and a reduction in the scale of the extensions to the northern building. The layout of the car park and servicing area has also been reduced in order to retain more trees.

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

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

- 6.2 The site is located within the Green Belt on the Kirklees Unitary Development Plan (UDP) and Kirklees Publication Draft Local Plan (PDLP). The site is also designated as a Wildlife Habitat Network in the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Materials of construction
- **BE23** – Crime prevention
- **T10** – Highway safety
- **EP4** – Noise sensitive development
- **EP6** – Development and noise
- **EP11** – Ecological landscaping
- **G6** – Land contamination
- **NE9** – Retention of mature trees
- **T10** – Highway Safety
- **T17** – Provision of Cycle improvements
- **T19** – Parking Standards
- **S1** – Town Centre Uses
- **B4** – Change of use of business or industrial sites

Supplementary Planning Guidance / Documents:

6.3

- PLP1 - Presumption in favour of sustainable development
- PLP2 – Place Shaping
- PLP3 – Location of new development
- PLP13 – Town Centre Uses
- PLP21 – Highway Safety and Access
- PLP22 - Parking
- PLP24 – Design
- PLP27 – Flood Risk
- PLP30 – Biodiversity & Geodiversity
- PLP33 - Trees
- PLP51 - Protection and improvement of local air quality
- PLP52 – Protection and improvement of environmental quality
- PLP53 – Contaminated and unstable land
- PLP57 - The extension, alteration or replacement of existing buildings (in the Green Belt)
- PLP59 - Infilling and redevelopment of brownfield sites (in the Green Belt)
- PLP60 -The re-use and conversion of buildings (in the Green Belt)

National Planning Guidance:

6.4

- Achieving Sustainable Development'
- 'Core Planning Principles'
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 2** – Ensuring the vitality of town centres.
- **Chapter 4** – Promoting sustainable transport
- **Chapter 7** – Requiring good design

- **Chapter 9** – Practicing Green Belt land
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment
- ‘Decision taking’

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 In total 27 comments have been received on the application. Of these comments 18 were received to the initial period of publicity with 16 in objection and 2 in support. A further 9 comments have been received with reference to further information and amended plans provided by the applicant. However it should be noted that the scheme was amended again on 10<sup>th</sup> November reducing the scale of the development, though further public consultation has not been undertaken given the reduced scale of the scheme and the timing of the amended plans. Cllr Patrick has also commented on the application as ward member.

A summary of the objections raised to the first round of publicity are set out below:

### Highways

- The local road network is chaotic and Luke Lane forms a main route for school children and cars speed up and down the road. The extra traffic which would be generated by the proposal will cause serious issues and become a real problem for walkers and school children.
- The junction of Luke Lane and New Mill Road (A616) is substandard and can be difficult to use. It should be noted that cars traveling from New Mill cannot use this junction due to its acute angle and layout. Inevitably visitors to the area unfamiliar with the road layout will try to use this junction and find that it is not possible, thereby causing wider highway safety issues.
- The local road network is not of sufficient width for larger vehicles, access to the site via New Mill Road would have to go over a narrow bridge and the roads are only wide and are only wide enough for cars. It should be noted that footways in the local area are limited meaning that pedestrians have to walk in the road.
- The submitted transport assessment details that there have only been 3 recorded accidents in the local area, however local knowledge indicates that there have been a number of minor accidents and the adjacent Royds Mill has been struck a number of times along with the corner of Woodlands Mill (the application site).
- The site is located on a blind bend in the road, next to a children’s play area and it can be difficult to cross the road as there are limited views across the road in places. It is suggested that speed humps could be introduced to slow vehicular traffic down and HGV deliveries to the Mill are limited to 7.5 tonnes vehicles.
- The propose arrangements for sustainable transport are insufficient and the applicant has overstated the local availability of public transport and suitability of the area for walking and cycling. The closest rail station at Brockholes is 1.2km away up a steep hill, a number of bus services don’t start until 9.30 and stop at 4.30 meaning there use in association with this development would be limited.
- The proposal would lead to the loss of a public footbath that runs along the side of the existing buildings. The footpath is used frequently by school

children who use to avoid the roads in the local area (Woodlands Avenue and Luke Lane) as they have no footways.

- The submitted delivery information states that 7.5 tonne lorries will be used, however there is concern that this is unlikely to be the reality given that many sites are served by large articulated vehicles, if such vehicles visited the site they would inevitably park across the site entrance and in part block the use of Luke Lane to the detriment of wider highway safety.
- The submitted transport statement does not detail how the site will be safety developed or how appropriate access for construction vehicles will be achieved for the site.
- The information submitted in respect to the highway impact of the development makes a number of assumptions such as three people traveling in a car, and staff arriving outside of peak hours, however these assumptions could be easily changed and therefore change the highway impact of the proposal could be much greater.
- The submitted transport statement details a traffic count was undertaken by the applicant, however this was located after the junction with Woodlands Avenue which is used by a number of vehicles. It is therefore considered that the traffic count does not represent a true reflection of vehicles movements in the local area. A traffic count undertaken by a local resident indicates that movements are significantly greater than those set out in the submitted Transport Assessment.
- A new cycle route running through the site has been identified by The Holmfirth Transitional Town (HOTT) and this should be secured as part of the development. It is requested that any planning permission secures this provision.

#### Amenity

- This is an unnecessary development that is far too large in a quiet residential area, where there are no commercial uses in the local area as these have all changed to residential uses over recent years. There are concerns that the proposal would introduce a late night noise use that would be noisy and emit strong cooking and food odours that could be detrimental to local amenity.
- There is concern that the site would operate between 7am to 10.30pm 7 days a week which would be to the detriment of local residents. With further disturbance caused by people leaving in cars alter on in the evening after 10.30. Any outdoor seating areas will generate noise and be detrimental to local residents.
- The proposal would lead to detrimental overlooking of properties in Roydmill including some areas of garden space and will lead to the loss of the amenity of future occupiers. Some of the apartments in Royd Mill look directly into the end of Woodlands Mill being only 7 metres away, with the potential to look through windows into the proposed cookery school and restaurant to the detriment of local amenity.

#### Design and Scale

- The proposal is too large and would lead to an industrialisation of the local area as well as dramatically changing the historic character of the host buildings. The proposed bridge link is inappropriate in the local area and would have an adverse impact on the openness of the site and the historic character of the building.

### Green Belt

- The scale of the proposal would be detrimental to the openness of the Green Belt and the extensions proposed would represent a disproportionate addition to the host building. This would be contrary to Green Belt Policy and cause a substantial impact.

### Flooding

- The site is in the flood zone and the Holme Valley has been subject to a number of flooding instances over an extended period. It should be noted that the cellar to the adjacent Royd Mill was flooded in 2007 and 2009.
- The site could be subject to a risk from surface water flooding.
- It should be noted that permission to develop a field opposite was recently refused on flooding grounds.
- Comments of the Environment Agency should be noted and there is concern that the car park area would be detrimental to local flood risk.

### Ecology

- The proposal would lead to the loss of a number of mature trees on a site adjacent to a wildlife corridor. The loss of the trees would have an adverse impact on the local area and would be detrimental to local ecology. The mitigation measures proposed are not considered to represent sufficient mitigation for this loss.
- The site of the application includes a number of areas which are home to a wide variety of protected species, and the proposed use would have the potential to disturb their habitats to the detriment of local ecology.

### Other Matters

- A children's park is located across the road, will the proposal have a detrimental impact on the function of this park?
- The buildings have not been redundant for 15 years with a wood turning business operational until early 2017.

Ward member Cllr Patrick has also made the following comments in respect to the application:

*Just had an initial look and I can see that the Sanderson report does not adequately assess the Luke Lane New Mill Road Junction. Two car parks each for 50 cars tells me they are expecting most people to visit site by car than any other form of transport. I want to know how that junction is going to cope with the extra traffic, especially given the turning area for cars entering Luke Lane from New Mill Road means that Luke Lane is only one cars width at the junction and we often see cars having to reverse back onto New Mill Road into oncoming traffic in order to get down Luke Lane. I cannot see anything in the traffic assessment to suggest any junction improvements needed. Furthermore if there is an increase in pedestrian traffic visiting the site from the New Mill Road end, how are pedestrians expected to cross that road safely? Put more traffic and pedestrians on that junction without any changes and there will be a serious accident, of that I am certain.*

*I trust there will be a site visit. I think it is very important that the committee members experience the poor highway to and from the site and the difficult junction to New Mill Road.*



### In Support

2 comments have been received in support of the application which are summarised as follows:

- This development would be beneficial for the local area and would create jobs and utilise an old abandoned building.
- It would be good if the cookery school could work with local schools to encourage children to get into the food sector.
- Welcome to Yorkshire support the proposal which would be of benefit to the district of Kirklees and the Holme Valley.

9 representations have been received from the additional publicity. A number of the comments made reiterate the concerns set out above. A summary of the new points raised are set out below.

- Objections previously stated should be carried forward.
  - The mix of uses is considered to remain inappropriate for the site which is in a residential and rural area and would have an adverse impact on the amenity of the occupiers of Royds Mill.
  - The use of obscure for windows in the end of the mill is welcomed to help reduce overlooking from the restaurant.
  - The new transport statement is flawed and does not provide a fair reflection of the highway situation in the local area. Luke Lane is used as a 'rat run' and any further use would be detrimental to highway safety.
  - The traffic count used in transport statement was taken at the very end of the school term time (last week) when a number of secondary school children have already left thus reducing the numbers of vehicles.
  - The extra traffic generation figures are considered to be inaccurate and would need to be much higher in reality to generate the required income to make the proposal financially viable. This is reflected in the scale of the car park which provides 75 spaces, thereby highlighting the potential for large movements to and from the site.
  - The development of this site offers an opportunity to provide an off road link from Huddersfield to Holmfirth which should be secured by the development.
- **Holme Valley Parish Council** – support the application

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways Development Management** – no objection, comments made.

**Environment Agency** – no objection, comments made.

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

**KC Public Rights of Way** – Objects due to potential impact on footpath from new entrance and lack of information in relation to retaining works adjacent to the footpath.

**KC Arboricultural Officer** – Objects due to removal of protected trees.

**KC Environmental Services** – No objection subject to condition

**KC Ecology** – no objection, comments made.

## **9.0 MAIN ISSUES**

- Green Belt
- Loss of Business Uses
- Retail Use and Location
- Trees
- Flood Risk and Drainage
- Highway Safety and Public Rights of Way (PROW)
- Design
- Amenity

## **10.0 APPRAISAL**

10.1 The application site is located within the Green Belt, partly within Flood Zones 2 and 3, and would lead to the loss of a number of trees protected by way of preservation order. The proposal would lead to the loss of an business/industrial use at the site, and the development forms a main town centre use in an out of centre location. The principle of developing the site therefore needs to be assessed against these key considerations. Other important matters for assessment are the impact of the proposal on highway safety, amenity, design, ecology and all other material planning considerations, including representations received on the application.

### Green Belt

10.2 The principle of the developing a site in the Green Belt site which needs to be assessed against its impact on the openness of the Green Belt, and in relation to Policies set out in Chapter 9 of the NPPF and Policies PLP 57, 59 and 60 of the PDLP.

10.3 Chapter 9 of the NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and sets out the five purposes of Green Belt. Paragraph 87 sets out that inappropriate development should not be approved expect in very special circumstances, and paragraph 88 details that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

10.4 The application seeks the change of use and extension of existing buildings at the site and the change of use of land to form parking and servicing associated with the development. Paragraph 89 details that the construction of new buildings represents inappropriate development. However exceptions to inappropriate development can include the extension or alteration of a building provided that it does not result in disproportionate addition. Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) can also be an exception to inappropriate development, provided they would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. These exceptions are also reflected in Policy D11 of the UDP and Policies PLP57 and 59 of the PDLP.

10.5 Furthermore paragraph 90 of advises that certain forms of development are not inappropriate provided they preserve the openness of the Green Belt and

do not conflict with the purposes of including land within it, of which the encroachment into the countryside is most relevant. Such developments include the re-use of buildings provided that the buildings are of a permanent and substantial construction and engineering operations. Policy PLP60 reflects the advice in paragraph 90 but provides further detail regarding other impacts on the Green Belt.

- 10.6 The application site is considered to form a previously developed (brownfield) site as it was last used in association with a wood turning business and is currently occupied by a number of different buildings which are of substantial construction. The submitted planning statement has detailed that the site has been vacant for 15 years (though it is noted the representations cite more recent use) with previous attempts to redevelop the site having failed with an application from 2003 for residential development not being implemented.
- 10.7 The extensions and alterations to the northern building would be more substantial than the southern, with the northern building having the roof replaced, and extensions to the front and rear. The southern building would only be extended to the west with a relatively small extension. The engineering operations would allow for the formation of a widened access, new servicing and a new car park.
- 10.8 With regards to the extensions to the northern building, the reroofing works to this building would increase the overall ridge height of the building by 0.6 metres, but would retain its existing shape and form. The modest increase in roof ridge height is not considered to be detrimental to the openness of the Green Belt and would retain its distinctive appearance which is prominent in the local area. The extension to the front of the building whilst having a large projection at 8.4 metres would be narrow occupying less than half the width of the building and only be 4 metres high. The design of this extension with its lean to roof would allow the design and appearance of the existing building to be retained. The extension to the rear would replace an existing mono pitched structure which would be demolished and would be of a similar projection. Whilst the extension would be higher than the existing structure with a dual pitched roof it would remain set down from the roof of the main building and form the main entrance to the building.
- 10.9 The extensions and alterations to the northern building are considered to represent a redevelopment of this previously developed site which would not have a greater impact on the openness of the Green Belt, and would not conflict with the purposes of including land within the Green Belt. The extensions and alterations would allow the existing shape and form of the building to be retained, whilst also providing modern accommodation to facilitate its change of use. This part of the scheme would therefore accord with paragraph 89 of the NPPF and Policy PLP9 of the PDLP.
- 10.10 The extension to the southern building is considered to be small in scale and would be subservient to the host building. The extension would have a projection of 5.5 metres and the roof height of the extension would be set lower than the existing. It is therefore considered that this extension would not have a detrimental impact on the openness of the Green Belt. This element of the development would therefore accord with Policy D11 of the UDP, paragraph 89 of the NPPF and Policy PLP57 of PDLP.

- 10.11 The works to form the improved access to the site would utilise the existing access between the two buildings, which would be widened to allow for the two way flow of vehicle traffic into and out of the site, with a service yard formed off the main point of access. The widening of the access and formation of service yard would represent an engineering operation and it is considered that such works would have a limited impact on the openness given their position between the two buildings. It is not considered that the works would have a detrimental impact on the purposes of including the land within the Green Belt and would therefore accord with paragraph 90 of the NPPF.
- 10.12 The works to form the car park would be located within the area of land which previously formed an outside storage area associated with the sites previous use. It is acknowledged that the change of use of this land to a car park would alter how it functions and its wider appearance. In terms of openness it is considered that the proposal would lead to some loss of openness and it is considered that the car park operation would be more intensive than the previous storage use. The change of use of land to form the car park is therefore considered to represent an inappropriate development in the Green Belt.
- 10.13 It is however acknowledged that to facilitate the change of use of the site, a car park of a reasonable size is necessary and use of the land to the west of the building represents a practical option which connects well with the existing buildings. Whilst it is considered that there would be some limited harm to the openness of the Green Belt, this impact is reduced by the sites location in an area of woodland where wider views of the site are shielded by tree cover. It is noted that the site has been vacant or in low use of a substantial period of time with previous attempts to develop the site having failed, and the current proposal would provide wider economic and tourism benefits to the local area. It is also acknowledged that the works to extend and change the use of the buildings are considered to accord with Green Belt Policy, and that the access point to the site and therefore to the car park would achieve acceptable sightlines. It is therefore considered that when these factors are combined, that overall they represent very special circumstances for the formation of the car park that out way the harm by reason of inappropriateness and any other harm.
- 10.14 In summary the proposal is considered to have acceptable impact on the openness and character of the Green Belt and would lead to the redevelopment of a brownfield site. Very special circumstances are considered to have been demonstrated for the formation of the car park and the proposal would provide a long term use for the site and existing buildings.

#### Loss of Business Uses

- 10.15 The application site currently represents a vacant business/industrial use and therefore for the loss of this use needs to be considered against policy B4 of the UDP, and Policies in Chapter 1 of the NPPF. The applicant has set out that buildings on site have been vacant for approximately 15 years with no prospect of returning them into a business/industrial use. The applicant has also highlighted that the site has previously benefited from planning permission for residential development on the site, and that the proposed use would retain employment with 16 members of staff employed. Although some limited use may have taken place of the site until recently as set out in the

representations given the points raised by the applicant in relation to loss of business and industrial sites it is considered that the proposal would not harm employment provision in the local area.

### Retail Use and Location

- 10.16 The proposed retail and food uses represent a main town centre use, and the site is located in an out of centre location. The closest local centres are Brockholes approximately 900 metres to the north and New Mill approximately 2.1 km to the south. The closest town centre being Holmfirth approximately 2.5 km to the south west.
- 10.17 A sequential assessment has been submitted with the application in accordance with the requirements of paragraph 24 of the NPPF, Policy S1 of the UDP and policy PLP13 of the PDLP. The sequential assessment has detailed that the applicant requires a site which is in the order of 0.45 to 0.5 hectares in size, and the catchment for the development is the Holme Valley South Ward. The applicant has set out that the proposed development seeks to in part build on the local tourist industry whilst also serving local residents with a unique food related offer. A detailed business plan has been submitted with the application which sets out the anticipated operation of the business. The criteria set out above has for the most part has been accepted by Officers, however the requirement for an overall site area of 0.5 hectare is in part questioned, though it is acknowledged that a floor space of around 1,000 square metres is required for the mix of uses to operate.
- 10.17 The submitted sequential assessment considered in centre opportunities assessing Holmfirth Town Centre in April 2017 noting that 4 buildings were available which included, units in the Riverside Shopping Centre, Woodhead Road; the former tourist information centre, Woodhead Road; the former HSBC bank, Victoria Street and Bamforths Mill, Station Road. Of the 4 sites the first three are significantly below the scale required, with the last site currently unavailable and is being actively developed. It is noted that planning permission 2015/91697 for the site was passed in May 2016 which permitted a mix of retail, office and residential uses.
- 10.18 In terms of out of centre sites, 8 undeveloped locations were assessed, however all of these sites are currently unavailable or of insufficient size, either having planning permission for alternative uses or are in the process of seeking permission for other alternative uses.
- 10.19 In light of the information provided, Officers considered that the sequential assessment has been sufficiently passed. It is noted that there are no available opportunities within Holmfirth town centre where the development could be located, with the only possible site Bamforth Mills currently being developed for different uses. The 8 out of centre locations are currently not available or provide insufficient space to meet the requirements of the applicant, and there are no available edge of centre locations.
- 10.20 It is noted that the scheme has been amended through the course of the application to reduce the scale of the proposal to 885 square metres, however the scale of the development still remains large in terms of the availability of buildings in the Holme Valley South Ward and it considered that even with a reduced size development, the proposal would passed the sequential assessment. It is noted that there may be potential to change the

use of the buildings under permitted development that could potentially allow for a greater retail element. To prevent this and in the interests of protecting Holmfirth Town Centre it is considered appropriate to limit the scale of retail provision at the site. The applicant's agent has agreed to a maximum limit of 250 square metres which can be conditioned.

### Trees

- 10.21 The application site is located in an area of woodland and the trees within the site have been protected by a tree preservation order (TPO) through the course of the planning application. The application has been assessed by the Councils Arboricultural Officer and against Policy NE9 of the UDP, Policy 33 of the PDLP and Policies in Chapter 11 of the NPPF. The application has been accompanied by a tree survey and method statement, though these have not been updated to reflect the amended scheme. To facilitate the development the proposal would lead to the loss of 8 mature trees covered by the TPO, and the Arboricultural Officer has formally objected to the proposal on the grounds of loss of protected trees.
- 10.22 Whilst the proposal would lead to the loss of mature trees within the site this represents an improvement of the originally proposed scheme where 12 trees were to be lost, including a large tree adjacent the car park area. The amended scheme has retained 3 trees at the site frontage which would of wider benefit to visual amenity and the retention of a mature tree which has bat roost potential. The main section of trees to be lost are to form the access and servicing yard associated with the development.
- 10.23 The loss of trees is contrary to Policy NE9 of the UDP and Policy 33 of the PDLP, however these requirements needs to be balanced against the wider benefits of bringing a currently vacant building within the Green Belt back into a long term viable use. As set out above, the amendments to the scheme have aided in the retention of number of key trees at the site which will also help in the functioning of the woodland and have wider ecological benefits. It is also acknowledged that the trees were not protected before the application was submitted, and the applicant has worked with Officers to amend the scheme to find ways to allow for the retention for some of the trees, whilst also providing sufficient space for the proposed uses.
- 10.24 Whilst the loss of tree is contrary to policy, the applicant has advised that additional planting would be provided at the site to help mitigate the loss of trees, along with other wider ecological mitigation measures as set out later in this report. These mitigation measures whilst not fully mitigating against the loss of the mature trees, would go some way to retain and improve biodiversity at the site and these details can be secured by planning condition. Given that key trees would be retained at the site frontage and within the site, combined with the wider benefits of the scheme, the loss of 8 protected trees is on balance considered to be acceptable.
- 10.25 To ensure that works to the protected trees which are to remain are carried out to the necessary standard and the trees are protected through construction phase and in the long term, a new Arboricultural method statement will be conditioned. A landscaping scheme will also be conditioned to ensure that additional planting to aid mitigation of the tree loss is of an appropriate species and in an appropriate location.

## Flood Risk and Drainage issues

- 10.26 The application site is located within Flood Zones 1, 2 and 3a and 3b, and located on top of the riverbank of the River Holme and has been submitted with a site specific flood risk assessment. The application has been assessed by the Environment Agency (EA) and in relation to Policy PLP27 of the PDLP and policies in Chapter 10 of the NPPF.
- 10.27 In terms of flood zones, only a small section of the northern building is located within Flood Zone 2 (medium probability) with the rest of the building, the service yard and the southern building all located in flood zone 1 (low probability). The land to the west which would form the car park to the development is however located within flood zones 2 (medium probability) and 3a (highest probability), with a small section adjacent to the river on the most western end of the red line boundary in 3b (functional flood plain). Given that the application represents a change of use no sequential assessment is therefore required.
- 10.28 Turning to specific flooding matters the proposed mixed retail and restaurant uses are considered to represent a less vulnerable use, with the cookery school forming an education use, and therefore a more vulnerable use under table 2 of the NPPG on flood risk. Such uses are considered to be appropriate uses within flood zones 1 and 2 as set out in Table 3 of the NPPG on flood risk. The change of use of land to form a car park also needs to be considered in flood risk terms, and whilst not explicitly stated in table 2 of the NPPG, the car park use is also considered to represent a less vulnerable use. The car park would be located in Flood Zones 2 and 3 and such uses are also considered to be appropriate as set out in Table 3. The small section of functional flood plain would remain undeveloped, and unaffected by this proposal.
- 10.29 The EA raise no objection to the proposal however they have proposed a condition that no buildings are located within the functional flood plain and that more vulnerable uses are not located within flood zone 2 or 3. Whilst this request for the condition is noted, the plans for the development have significantly changed from originally proposed, and it is considered that such a condition is not reasonable or necessary. More vulnerable uses represent appropriate uses within flood zone 2 as set out in the NPPG and the proposed building in the functional flood plain has now been removed from the plans.
- 10.30 The EA has advised that the LPA give consideration to flood warning and an evacuation plan for the site. These comments are noted by Planning Officers, and the submitted FRA has detailed that the occupants should sign up to the EAs flood warning line. This requirement will be attached as a note on the decision, but given the majority of the built form of the development is outside of the flood zones, with only the car park in zones 2 and 3 it is not considered necessary to require any further information in this instance. The EA have also advised that flood resilient construction techniques are considered in the development of the site. However as nearly all the buildings to be converted/extent ended lie outside of the flood zone no further information is required on this matter. A note will however be attached to the decision notice advising the applicant to consider such techniques.
- 10.31 With respect to drainage, the submitted application form details that foul water would be disposed of by connection to the main sewer and surface water will

be disposed by main sewer and into an existing watercourse. These arrangements are considered to be acceptable in principle with the only surface water leading into the main sewer being that from the existing buildings where there is already a connection. Surface water from the car park would be drained to the adjacent River Holme, however to ensure that the details are acceptable, specific details for the drainage of the car park will be conditioned along with details of its final surfacing. It is noted that an existing public sewer crosses the site in the proposed car park area, however given that no buildings are proposed in this location it is not considered that the proposal would have a detrimental impact on the sewer. A condition stating that no buildings or other obstructions should be located over or within 3 metres of the sewer can be used to protect the sewer.

- 10.32 In conclusion the proposal is considered to have an acceptable impact in terms of flood risk and surface water drainage.

#### Highway Safety and Public Rights of Way (PROW)

- 10.33 The highway and PROW impact of the development has been assessed against Policies T10, T17, T19 and R13 of the UDP, Policies PLP20, 21, 22 of the PDL and Policies in the NPPF. The application has been submitted with a Transport Assessment which has been amended and further information provided on 3 separate occasions. The application has been assessed by the Highways and Public Rights of Way Officer as PROW Holmfirth 50 runs adjacent the southern building.
- 10.34 Vehicular access to the site would be via Luke Lane which to the north joins the A616 (New Mill Road), and to the south connects with Woodlands Avenue and continues on to Miry Lane/Springwood Road. In terms of public transport, bus stops are located off Luke Lane and Woodlands Avenue within 400 metres. The proposal would provide 42 formal parking spaces, with 53 overflow spaces provided to west of the site.
- 10.35 In terms of highway assessment the mix of different uses has been considered separately and as a whole in terms of the anticipated traffic that they would generate, and direction from where they would travel. The applicant has provided predications of the anticipated vehicles movements to and from the site setting out that they consider the following will occur, along with the anticipated hours of use for the different uses in the buildings.

<b>Phase 1 - Northern Building</b>		
	<b>Opening Hours</b>	<b>Vehicle Generations</b>
Cookery School	10:00 – 15:00 & 19:00 – 20:00	12 Before and after each class
Deli – Retail	09:00 – 18:00	20 two way per hour
Deli – Eatery	09:00 – 18:00	26 two way per hour
<b>Phase 2 - Southern Building</b>		
Cookery School	10:00 – 15:00 & 19:00 – 20:00	23 before and after each class
Restaurant	12:00 – 15:00 & 18:00 – 22.30	32 patrons vehicles per sitting

- 10.36 Highway Officers have considered the above information along with information set out in the various submitted transport assessments and consider that the assumptions set out above are reasonable. It is also noted



that a large proportion of the traffic generated by the development would occur outside of peak hours, with the main peak impact occurring from the deli retail and eatery, with 46 two way movements predicted. In terms of direction of travel, it is anticipated that 55% of this will be from the A616 (New Mill Road to the north east), 30% from the A635 (New Mill Road to the south) and 15% from A6024 (Woodhead Road to the east). This would equate to approximately 25 vehicles onto the A616 via Luke Lane (1 vehicle every 2.4 minutes), approximately 14 vehicles onto the A635 via Heys Road and or Springwood Road (1 vehicle every 4.3 minutes) and approximately 7 vehicles onto the A6024 via Miry Lane (1 vehicle every 8.6 minutes).

- 10.37 Historic traffic flows have also been obtained from the 2011 Transport Assessment for the Proposed Tesco Food Store off New Mill Road, Holmfirth from planning application 2011/93163 to compliment data gained from a traffic count on Luke Lane. This information has been used by applicant's highway consultant to argue that the proposed development would represent only a small increase in terms of numbers of vehicles using the local network.
- 10.38 Based on these surveyed flows the calculated generations attributed to the development, the proposed use could result in a 2.2% increase in traffic on the A616 / Luke Lane / Thurstonland Bank junction; a 0.5% increase in traffic on the A6024 / Miry Lane / Thong Lane junction and either a 1.8% increase in traffic on the A635 / Heys Road junction or a 1.7% increase in traffic on the A635 / Springwood Road junction.
- 10.39 Applicant's highway consultant also considers that whilst it is appreciated that the A616 / Luke Lane / Thurstonland Bank junction is not ideal, in practice the junction operates with a good safety record. Although the proposal increases its use, a significant proportion of the movements would be outside of peak hour, with only a 2.2% increase in the evening peak hour.
- 10.40 The above predications in terms of traffic generation have been considered by Highways Officer who accepts the arguments put forward and consider on balance that the proposed development would have an acceptable impact on local highway safety. An hours of use condition (discussed in the amenity section of this report) restricts the operation of the southern building to after 10am, which would ensure that the restaurant and cookery school could only operate after the peak hour. No such restriction has been placed on the northern building as it is not considered that such a condition would pass the 6 tests given the flexible layout of the building. However as set out above the amount of retail floor space would be restricted to 250 sq metres which would help to limit any highway impact of such a use. Whilst it is acknowledged by Officers that the junction of Luke Lane and the A616 is not ideal, the increase in traffic using the junction from the proposed development is considered relatively small and there are no real options for improvements to the junction whilst allowing the free flow of traffic on the A616. The proposal is therefore on balance considered to have an acceptable impact on highway safety in terms of traffic generation.
- 10.41 Turning to other highway matters, the application would provide 42 formal spaces with overall space for a further 53, providing 95 in total. This level of parking is considered to be more than adequate for the proposed use and the development would accord with the parking requirements set out in the UDP and PDLP. Access to the site would be via the existing point of access which would be widened to allow two way traffic with servicing located between the

two buildings. Based on the speed surveys undertaken appropriate sight lines for the development can be achieved. The car park achieves an acceptable functional layout, though no details of surfacing are provided, this can be secured by condition. The plans detail that cycle parking would be provided at the site, though no specific details are provided with the application, this however can be secured by condition. It is noted that the site is located within proximity to a number of bus services, though only limited weight is given to their use given the frequency and limitation on the times of the service. Consideration has been given to the need for a travel plan for the development, however given the mix of uses proposed which operate at different times of day, the sites location and the reduced scale of development, in this instance it is not considered that a travel plan is required for the development. It is also considered appropriate to condition a construction management plan is submitted to ensure that construction traffic entering the site is via appropriate routes. In addition there is concern that if the buildings use changed to have a larger retail offer then this would have the potential to increase movements in the local area. After discussions with the applicant's agent it has been agreed that a condition limiting the retail offer at the site to a maximum of 250 square metres would sufficiently mitigate this concern and can be secured by condition.

- 10.42 Turning to pedestrian safety PROW Holmfirth 50 runs along the edge of the southern building within the site and is frequently used by pedestrians given the limited number of footways in the immediate area. The application has been assessed by the PROW Officer who has objected to the application.
- 10.43 The PROW officer has stated that the main pedestrian entrance to the southern building and a "service entrance" open directly onto the public footpath Holmfirth 50. The footpath approaches Luke Lane in a narrow, confined area conflicting with the proposed use of the main entrance. The proposed 'entrance piazza' appears to be on a different level from the footpath with (apparently) a separating wall close to the main entrance to the southern building.
- 10.44 New site sections to match the new amended drawing submissions have not been submitted. Previous drawings appear to suggest the excavation of areas to the north of the footpath for vehicle use. Details of any retaining structures supporting the public footpath should be submitted and approved, with subsequent controls over construction and retention. This could be done via planning condition, with appropriate trigger points, and it is suggested that highways structures section is consulted and involved throughout.
- 10.45 No detail about proposed works to the public footpath appears to have been submitted. In the absence of amended submissions, any consent should include a condition for works to, and affecting, the public footpath. This includes surfacing, level, retaining etc. Improvement of the public footpath appears reasonable and appropriate in connection with the development, potentially encouraging pedestrian access to facilities instead of motor vehicle access.
- 10.46 A scheme for the protection, of users of footpath 50, and of footpath 50 itself, should be required by condition. Submission, agreement, implementation and retention of the scheme should be controlled by condition. This scheme may include, signing, guarding, loading/unloading areas, operational practices, route surveys, ongoing repair and maintenance etc.

- 10.47 The above comments from PROW are noted by Planning Officers, and it is acknowledged that the PROW provides an important local footpath link for local residents and school children. PROWs main concerns relate to the potential conflict which could occur from the new main entrance and a service entrance to the southern building. Planning Officers have considered this issue in detail and discussed alternative options with the applicant. In terms of alternative positions the eastern end where the current access is positioned is on the same level as the adjacent highway and either utilising this access could lead to visitors stepping onto the highway, or building this level up which would narrow the carriageway, neither of which would not be in the best interests of wider highway and pedestrian safety. An entrance on the southern side would be difficult to access given the lack of footways in the local area. In light of this the northern side represents the only practical position for the new access. It is acknowledged that conflict could occur between users of the PROW and visitors to the southern building. The applicant has sought to reduce this potential concerns by enlarging the entrance piazza to the north of the building, thereby helping to reduce any conflict.
- 10.48 The service access onto the PROW would be used infrequently and Planning Officers do not consider that its use would be significantly harmful to the users of the PROW. Details in relation to cross sectional drawings of the retaining works that impact on the PROW can be secured by condition, along with the other points raised by the PROW Officer. In light of the above subject to planning conditions the proposal is considered to have an acceptable impact on the PROW.

### Design

- 10.49 The overall design of the development needs to be considered in relation to Policies BE1, BE2, BE11 and BE23 of the UDP, Policy PLP24 of the PDLF and Policies in Chapter 7 of the NPPF.
- 10.50 The scheme has been amended on a number of occasions to reduce the scale of the development in Green Belt terms and also to improve its impact on the character and appearance of the local area. The amended design is considered to ensure that the extensions to the buildings would be subservient to the host properties and would also ensure that the character of the existing buildings and the wider local area are retained. Existing windows openings would be utilised in the southern building with additional roof lights installed. The northern building would have more extensive changes, but would utilise existing openings where possible as well as providing additional roof lights and a glazed lantern/roof feature. The extensions would be constructed from natural stone to match that used in the host properties and the roof for the northern building covered in blue slate, and the extension on the southern building covered in artificial stone slates. The car park and servicing area has a functional layout in design terms and is shielded from wider views by the tree cover ensuing that it has a more limited impact on the character of the local area.
- 10.51 The design of the extensions are considered to be acceptable and to ensure that the materials are appropriate to the local context the submission of details will be conditioned. Subject to this condition the proposal would accord with the design policies set out above.

## Residential Amenity, Pollution and Contamination

- 10.52 The impact of the development on residential amenity and contamination needs to be considered in relation to Policies EP4, EP6 and G6 of the UPD and Policies PLP 51, 52 & 53 of the PDLP and policies in Chapter 11 of the NPPF. The application has also been considered by the Councils Environmental Services Officer.
- 10.53 With regards to residential amenity the closest residential properties to be potentially affected by the proposal are the 15 apartments at Royds Mill to the east of the site. Other properties in the local area within proximity to the site are those at the Waterside further to the east, properties off Luke Lane to the south, and dwellings off Woodlands Avenue, Beech Avenue and Poplar Avenue further to the south.
- 10.54 Apartments in Royds Mill at their closest are within 7 metres of the eastern end of the southern building and some share window to window relationships. Other properties in the Mill have windows, balconies and small enclosed garden areas which face the River Holme to the north and offer wider views of the application site and the northern building. Given the proximity of Royds Mill it is considered that occupiers of these apartments would be most impacted on by the development. It is however acknowledged that the buildings on the site currently exist and there has been a long established relationship between the two buildings. The amended scheme has also significantly reduced the potential impact on the occupiers of Royds Mill by removing the previously proposed bridge link. To mitigate the direct window to window relationship of the southern building and Royds Mill the windows in the mill will be conditioned to be obscurely glazed. This has been shown on the submitted plan for the first floor windows, however it is considered necessary for the ground floor as well and this can be secured by condition.
- 10.55 In terms of wider impact on residential amenity, the other surrounding properties are located at a distance of approximately 50 metres; however it is acknowledged that the site's operation would increase general activity in the local area with more comings and goings and the operation of the site would in itself generate a level of noise. Given the scale of the development and in particular the parking and servicing area it is likely that artificial lighting would be required at the site which can also cause a level of disturbance to local residents.
- 10.56 Environmental Services do not raise any objections on noise grounds provided that the hours of use for the site are controlled. However they have recommended conditions which restrict the hours of use for each of the proposed uses. The layout of the development has been amended a number of times through the course of the application and the northern building includes the cookery school, deli retail and deli eatery all in one flexible space. It is therefore considered that it would be difficult to enforce hours of operation for the different uses if they were occurring within the same space. It is however considered acceptable that the hours of use for each building could be controlled via condition along with deliveries to and from the site. This is also considered to be an acceptable approach for the southern building given that two uses would occur in this building. The hours of use will be conditioned as follows:

Northern Building: Not open to customers outside of the hours of 0900 to 2000.

Southern Building: Not open to customers outside of the hours of 1000 to 2230.

Deliveries: No deliveries to or dispatches from the premises outside the hours 0730 and 2000 Monday to Friday and 0800 and 1800 Saturdays. No deliveries shall take place on Sundays or Bank Holidays.

- 10.57 With regard to lighting, Environmental Services have recommended that a lighting scheme is conditioned as part of the consent. Such details can be secured by condition and are considered appropriate given the close proximity of adjacent residential properties.
- 10.58 In terms of contamination, a Phase I contaminated land report has been provided with the application the findings of which has been accepted by Environmental Services, though further investigations are required. This further investigation work can be secured by planning condition. The environment agency have made comment in relation to land contamination however these relate to comments and such matters can be adequately addressed via standard contaminated land conditions.
- 10.59 Given the proposed food uses that would occur at the site it is likely that extract ventilation systems would be required to serve both the northern and southern buildings. Currently no details of such systems have been provided by the applicant however Environmental Services raise no objection to this subject to a condition requiring the submission of such details. It is also acknowledged that other plant may be required to serve the development such as air condition units which would also potentially generate sources of noise. To control this impact a condition can secure the submission of details of any other plant.
- 10.60 Environmental Services has also considered the application in terms of air quality impact and assessed the proposal in respect of the West Yorkshire Low Emission Strategy (WYLES). It is acknowledged that the proposed development would generate a level of traffic to the local area, and a large number of visitors to the site would visit by private car. In order to mitigate against this impact the WYLES advises that electric charging points should be installed in 10% of spaces or initially 5%. The car park provides 42 spaces and the provision of 10% would equate to 4 spaces with 5% 2 spaces. Given the scale of development proposed it is considered that the provision of 2 spaces would be sufficient and this can be secured by planning condition.
- 10.61 Subject to the conditions set out above the proposal is considered to have an acceptable impact on residential amenity, pollution and contamination and would accord with the policies set out above.

### Ecology

- 10.62 The Ecological impact of the development has been assessed by the Councils Ecologist and in relation to Policies set out in Chapter 11 of the NPPF and PLP30 of the PDLP. The application site is located adjacent to the River Holme which forms a wildlife habitat network. The application has been

submitted with a number of different ecological reports which has highlighted that there is a wide variety of local ecology which need to be protected and wherever possible enhanced. The submitted plans have also been amended on a number of occasions in order to reduce the proposals impact on local ecology. The site also has large areas of Japanese Knotweed which is an invasive species and requires removal.

- 10.63 The submitted surveys have been accepted by the Councils Ecologist though the Ecologist has requested that additional work is required to set out a detailed ecological mitigation plan for the whole site. This additional work has been requested by Planning Officers before determination however the applicant has sought a decision on the application based on the information provided.
- 10.64 Officers have considered the request of the applicant and whilst it would be preferable to have such mitigation measures up front it is not considered that the proposal would have a detrimental impact on protected species. The applicant's agent has provided a summary of the ecology matters for the site, and it is considered on balance that this extra information can be secured by planning conditions.
- 10.65 The conditions would need to provide specific details for a number of matters which include the following:
- A mitigation strategy to prevent light spill onto the River Holme corridor from the windows on the northern side elevation of the northern building in hours of darkness. The River Holme represents a key route for bats in the area which are sensitive to light, and light spill on to this corridor would potentially have an adverse impact on the bats. Mitigation could be in the form of internal shuttering, however a scheme of details is required to ensure that these measures are implemented and operated throughout the use of the building.
  - A lighting strategy for the whole site. This is required to ensure that lighting of the site does not disturb local ecology such as bats which are light sensitive. The car park area would need to be lit by low level lighting only, with other areas of artificial lighting limited, therefore specific details are required. As set out in the amenity section of this report details of lighting would be required to protect amenity, but this would also be in the interest of local ecology.
  - A landscaping/ecological design strategy to detail the ecological enhancements which would be provided by the development to mitigate the tree loss (as set out above in the Trees section), the impact of the car park and the development as a whole on local ecology. The strategy would also need to set out a long term management plan for the landscaping/ecological enhancements. The strategy would also need to set out how Japanese knotweed at the site would be dealt with.
- 10.66 Subject to the conditions set out above detailing ecological mitigation measures the proposal is considered to have an acceptable impact on local ecology, and would accord with the policies set out above.

## Representations

10.67 In total 27 comments have been received on the application, a response to the points raised is set out below:

### 10.68 Highways

- The local road network is chaotic and Luke Lane forms a main route for school children and cars speed up and down the road. The extra traffic which would be generated by the proposal will cause serious issues and become a real problem for walkers and school children.
- The junction of Luke Lane and New Mill Road (A616) is substandard and can be difficult to use. It should be noted that cars traveling from New Mill cannot use this junction due to its acute angle and layout. Inevitably visitors to the area unfamiliar with the road layout will try to use this junction and find that it is not possible, thereby causing wider highway safety issues.
- The local road network is not of sufficient width for larger vehicles, access to the site via New Mill Road would have to go over a narrow bridge and the roads are only wide and are only wide enough for cars. It should be noted that footways in the local area are limited meaning that pedestrians have to walk in the road.

**Response:** As set out above the proposal is not considered to cause a detrimental impact to highway safety. The applicant has provided information to demonstrate that the development would lead to only a small percentage increase in the traffic through the surrounding junctions which is deemed to be acceptable. Whilst it is noted that footways in the local are limited it is not considered that this development would further add to highway or pedestrian safety concerns.

- The submitted transport assessment details that there have only been 3 recorded accidents in the local area, however local knowledge indicates that there have been a number of minor accidents and the adjacent Royds Mill has been struck a number of times along with the corner of Woodlands Mill (the application site).

**Response:** The available accident data records concur with that set out in the transport assessment. Whilst minor accidents may occur these are not considered to be significantly detrimental to highway safety.

- The site is located on a blind bend in the road, next to a children's play area and it can be difficult to cross the road as there are limited views across the road in places. It is suggested that speed humps could be introduced to slow vehicular traffic down and HGV deliveries to the Mill are limited to 7.5 tonnes vehicles.
- The propose arrangements for sustainable transport are insufficient and the applicant has overstated the local availability of public transport and suitability of the area for walking and cycling. The closest rail station at Brockholes is 1.2km away up a steep hill, a number of bus services don't start until 9.30 and stop at 4.30 meaning there use in association with this development would be limited.

**Response:** It is noted that public transport options to the site are somewhat limited given the sites position and the hours of use for different parts of the development. Therefore a robust assessment of private vehicular born traffic has been carried out with for the proposal. In addition cycle parking would be secured by the development along with electric vehicle charging points to help encourage low carbon transport options.

- The proposal would lead to the loss of a public footpath that runs along the side of the existing buildings. The footpath is used frequently by school children who use to avoid the roads in the local area (Woodlands Avenue and Luke Lane) as they have no footways.

**Response:** The proposal would not lead to the loss of the footpath which would be retained by the development.

- The submitted delivery information states that 7.5 tonne lorries will be used, however there is concern that this is unlikely to be the reality given that many sites are served by large articulated vehicles, if such vehicles visited the site they would inevitably park across the site entrance and in part block the use of Luke Lane to the detriment of wider highway safety.

**Response:** The delivery arrangements for the site are considered to be acceptable given the scale of the development. Any deliveries to the site would need to accord with the highway code with respect to parking/blocking roads.

- The submitted transport statement does not detail how the site will be safety developed or how appropriate access for construction vehicles will be achieved for the site.

**Response:** This point is noted, and a construction management plan will be secured by condition.

- The information submitted in respect to the highway impact of the development makes a number of assumptions such as three people traveling in a car, and staff arriving outside of peak hours, however these assumptions could be easily changed and therefore change the highway impact of the proposal could be much greater.
- The submitted transport statement details a traffic count was undertaken by the applicant, however this was located after the junction with Woodlands Avenue which is used by a number of vehicles. It is therefore considered that the traffic count does not represent a true reflection of vehicles movements in the local area. A traffic count undertaken by a local resident indicates that movements are significantly greater than those set out in the submitted Transport Assessment.

**Response:** This issues has been raised with the applicant, however these pieces of information/assumptions do not represent the only information source which has been used to assess the application. As set out above the proposal is considered to have an acceptable impact on highway safety.

- A new cycle route running through the site has been identified by The Holmfirth Transitional Town (HOTT) and this should be secured as part of the development. It is requested that any planning permission secures this provision.

**Response:** The comments are noted, however the proposal by HOTT does carry any weight in planning terms. Nonetheless, the core walking and cycling network detailed in the PDLP has been reviewed which does not identify the site for any such route. The application does however include a nature walk adjacent the river and PROW Holmfirth 50 would be retained by the development.



#### 10.69 Amenity

- This is an unnecessary development that is far too large in a quiet residential area, where there are no commercial uses in the local area as these have all changed to residential uses over recent years. There are concerns that the proposal would introduce a late night noise use that would be noisy and emit strong cooking and food odours that could be detrimental to local amenity.
- There is concern that the site would operate between 7am to 10.30pm 7 days a week which would be to the detriment of local residents. With further disturbance caused by people leaving in cars alter on in the evening after 10.30. Any outdoor seating areas will generate noise and be detrimental to local residents.

**Response:** The scale of the development has been reduced by 25% through the course of the application, and the hours of use will be conditioned as set out above. The proposals impact on residential amenity is considered to be acceptable. No formal outdoor seating areas are proposed within the plans, however if any were formed these would also be subject to the restrictions on the hours of use.

- The proposal would lead to detrimental overlooking of properties in Roydmill including some areas of garden space and will lead to the loss of the amenity of future occupiers. Some of the apartments in Royd Mill look directly into the end of Woodlands Mill being only 7 metres away, with the potential to look through windows into the proposed cookery school and restaurant to the detriment of local amenity.

**Response:** The comments are noted and as set out above, windows in the eastern end of the southern building will be conditioned to be obscurely glazed.

#### 10.70 Design and Scale

- The proposal is too large and would lead to an industrialisation of the local area as well as dramatically changing the historic character of the host buildings. The proposed bridge link is inappropriate in the local area and would have an adverse impact on the openness of the site and the historic character of the building.

**Response:** The design of the development has been significantly amended since these comments, and the amended scheme is considered to overcome these concerns.

#### 10.71 Green Belt

- The scale of the proposal would be detrimental to the openness of the Green Belt and the extensions proposed would represent a disproportionate addition to the host building. This would be contrary to Green Belt Policy and cause a substantial impact.

**Response:** The design of the development has been significantly amended since these comments, and the amended scheme is considered to overcome these concerns.

#### 10.72 Flooding

- The site is in the flood zone and the Holme Valley has been subject to a number of flooding instances over an extended period. It should be noted that the cellar to the adjacent Royd Mill was flooded in 2007 and 2009.
- The site could be subject to a risk from surface water flooding.

- It should be noted that permission to develop a field opposite was recently refused on flooding grounds.
- Comments of the Environment Agency should be noted and there is concern that the car park area would be detrimental to local flood risk.

**Response:** As set out above the proposal is considered to have an acceptable impact on flood risk. Whilst it is noted that flooding instances have occurred within the local area over recent years the building subject to the works are for the most part outside of the flood zone. From reviewing planning records the field opposite has not been subject to a refusal.

#### 10.73 Ecology

- The proposal would lead to the loss of a number of mature trees on a site adjacent to a wildlife corridor. The loss of the trees would have an adverse impact on the local area and would be detrimental to local ecology. The mitigation measures proposed are not considered to represent sufficient mitigation for this loss.

**Response:** As set out above the loss of trees is on balance considered to be acceptable when considered with the wider planning benefits of the proposal.

- The site of the application includes a number of areas which are home to a wide variety of protected species, and the proposed use would have the potential to disturb their habitats to the detriment of local ecology.

**Response:** It is acknowledged that there is a wide variety of ecology in the local area and all the necessary reports to assess the impact have been submitted and accepted by the Councils Ecologist. As set out above various mitigation measures will be conditioned to limit the impact in the long term.

#### 10.74 Other Matters

- A children's park is located across the road, will the proposal have a detrimental impact on the function of this park?

**Response:** The proposal would not impact on the function of the park which is separated from the site.

- The buildings have not been redundant for 15 years with a wood turning business operational until early 2017.

**Response:** The length of time which the buildings have been operational for is not a direct planning related concern. It is acknowledged that the buildings have been used in recent years, but the use has not been particularly intensive.

#### 10.75 Ward member Cllr Patrick has also made the following comments in respect to the application:

*Just had an initial look and I can see that the Sanderson report does not adequately assess the Luke Lane New Mill Road Junction. Two car parks each for 50 cars tells me they are expecting most people to visit site by car than any other form of transport. I want to know how that junction is going to cope with the extra traffic, especially given the turning area for cars entering Luke Lane from New Mill Road means that Luke Lane is only one car width at the junction and we often see cars having to reverse back onto New Mill Road into oncoming traffic in order to get down Luke Lane. I cannot see anything in the traffic assessment to suggest any junction improvements needed. Furthermore if there is an increase in pedestrian traffic visiting the site from the New Mill Road end, how are pedestrians expected to cross that road safely? Put more traffic and pedestrians on that junction without any changes and there will be a serious accident, of that I am certain.*

*I trust there will be a site visit. I think it is very important that the committee members experience the poor highway to and from the site and the difficult junction to New Mill Road.*

**Response:** These comments are noted, however as set out above the proposal is considered to have an acceptable impact highway safety.

#### 10.76 In Support

- 2 comments have been received which are noted.

#### 10.77 Additional Comments

- Objections previously stated should be carried forward.

**Response:** Noted.

- The mix of uses is considered to remain the inappropriate for the site which is in a residential and rural area and would have an adverse impact on the amenity of the occupiers of Royds Mill.

**Response:** As set out in the main body of the committee report subject to conditions the proposal is considered to have an acceptable impact on the amenity of Royds Mill.

- The use of obscure for windows in the end of the mill is welcomed to help reduce overlooking from the restaurant.

**Response:** Noted.

- The new transport statement is flawed and does not provide a fair reflection of the highway situation in the local area. Luke Lane is used as a 'rat run' and any further use would be detrimental to highway safety.
- The traffic count used in transport statement was taken at the very end of the school term time (last week) when a number of secondary school children have already left thus reducing the numbers of vehicles.
- The extra traffic generation figures are considered to be inaccurate and would need to be much higher in reality to generate the required income to make the proposal financially viable. This is reflected in the scale of the car park which provides 75 spaces, thereby highlighting the potential for large movements to and from the site.

**Response:** The information/assumptions set out in the transport assessment do not represent the only information source which has been used to assess the application. As set out above, the proposal is considered to have an acceptable impact on highway safety.

- The development of this site offers an opportunity to provide an off road link from Huddersfield to Holmfirth which should be secured by the development.

**Response:** The comments are noted and the core walking and cycling network detailed in the PDLP has been reviewed which does not identify the site for any such route. The application does however include a nature walk adjacent the river and PROW Holmfirth 50 would be retained by the development.

## 11.0 CONCLUSION

- 11.1 In conclusion to proposal would support the reuse of a redundant brownfield site in the Green Belt providing a new mixed use facility that would serve the local residents of the Holme Valley as well as provide a wider tourist offer. The proposal is on balance considered to have an acceptable impact on

highway and pedestrian safety, and whilst it would lead to the loss of some protected trees the wider planning benefits of the scheme are considered to outweigh this harm. The design of the scheme is considered to have an acceptable impact on local amenity, the character and appearance of the host buildings and wider local area and the proposal is considered to have an acceptable impact on local ecology.

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

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

1. Standard 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. Submission of details of materials for extensions and alterations.
4. Submission of details for surfacing and layout of car park areas including details of drainage.
5. Submission of details for the retaining works that are located adjacent to the PRWO.
6. Submission of a scheme for the protection of users of the PRWO.
7. Submission of specific details for cycle parking.
8. Submission of a construction management plan for accessing the site.
9. Submission of an Arboricultural method statement for works to the protected trees.
10. Submission of a landscape/Ecological design strategy to mitigate for the loss of protected trees and to enhance biodiversity at the site and for removal of Japanese knotweed.
11. Implementation of Landscape/Ecological design strategy and management of stagey.
12. Submission of details for a lighting plan at the site including the car park and servicing area.
13. Restriction on the hours of use of the site, northern building 0900 to 2000, southern building 1000 to 2230, deliveries 0730 to 2000 Monday to Friday, 0800 to 1800 Saturdays, no deliveries Sundays and Bank Holidays.
14. Submission of details of extract ventilation to be used at the site, for both phase 1 and 2.
15. Submission of details of any other plant associated with the development for both phase 1 and 2.
16. Obscurely glaze windows on the eastern end elevation at both ground and first floor which look towards adjacent mill.
17. Provision of 2 electric charging points within the car park.
18. Limit retail floor space to 250 square metres.
19. No obstruction of within 3 metres sewer which crosses the site.
- 20-23. Contaminated Land Conditions (4 Conditions)

## **Notes**

- Advise that the occupier signs up to the Environment Agencies flood warning system.
- Advise that an Environment Agency permit for works on a river bank maybe necessary.
- Advice on flood resilient construction techniques which could be considered.
- Advice on hours of construction.
- Highlight location of Public Right of Way and that it should not be blocked or obstructed.
- Advice regarding contacting for food safety given the proposed use.

## **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91888>

Certificate of Ownership –Certificate A signed: 26 May 2017