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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 08-Mar-2018**

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

**APPLICANT**

Z Hinchliffe & Sons Ltd,  
c/o agent

**DATE VALID**

24-Feb-2017

**TARGET DATE**

26-May-2017

**EXTENSION EXPIRY DATE**

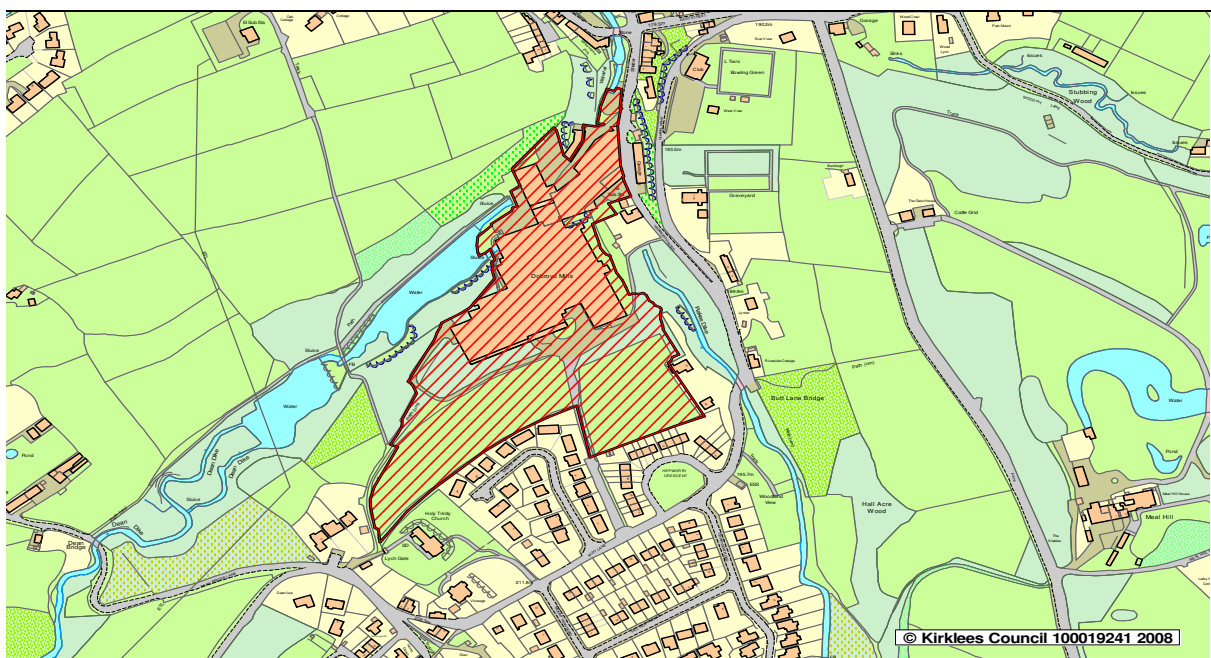
11-Jan-2018

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

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

**LOCATION PLAN**



## Map not to scale – for identification purposes only

**Electoral Wards Affected: Holme Valley South**

Yes

Ward Members consulted

### **RECOMMENDATION:**

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

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

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

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

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

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

### **1.0 INTRODUCTION:**

- 1.1 The application was deferred at the Strategic Planning Committee on 11<sup>th</sup> January 2018 as Members requested further details and information on issues concerning Transportation, Affordable Housing / Vacant Building Credit, Public Open Space (POS), Employment uses, Flood mitigation, Drainage/Sewerage.
- 1.2 Following the deferral, and partly in response to the concerns and issues raised by Committee, the applicant has amended the scheme; details of which are contained in the relevant section of this report.

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

## **2.0 SITE AND SURROUNDINGS:**

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

## **3.0 PROPOSAL:**

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

### *Full application element*

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

### 3.3 The proposal involves:

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

#### *Outline*

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

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

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

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

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

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

### **5.0 HISTORY OF NEGOTIATIONS**

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

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

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

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

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

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

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

## **6.0 PLANNING POLICY:**

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

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

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

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

Kirklees Draft Local Plan Strategies and Policies (2017):

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

6.2 Supplementary Planning Guidance:

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

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

**7.0 PUBLIC/LOCAL RESPONSE:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

*Officer response – conditions are recommended concerning contamination.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

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

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

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

Further advice provided concerning contamination.

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

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

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

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

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

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

## 8.2 **Non-statutory:**

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

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

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

West Yorkshire Fire Service – No comments received.

West Yorkshire Archaeological Service – No comments received.

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

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

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

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

Yorkshire Water Services – No objection subject to a condition.

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

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

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

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

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

Coal Authority – Comments not required.

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

Holme Valley Parish Council – Object.

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

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

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

## **9.0 MAIN ISSUES**

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

## 10.0 APPRAISAL

### Principle of development

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



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

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

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

The subtext to policy D5 clarifies the policy:

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

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

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

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

#### *Emerging Local Plan*

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

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

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

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

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

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

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

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

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

*Sequential Test*

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

*Loss of Employment*

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

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

- It is remote from good logistical connections.

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

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

#### *Accessibility*

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

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

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

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

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

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

#### Highways and Traffic Implications

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

*Plans and decisions should take account of whether:*

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

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

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

#### Residential Amenity

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

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

#### Flood Risk and Drainage

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



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

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

#### Ecological Issues

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

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

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

#### Heritage Issues

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

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

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

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

10.72 Para 135 of the NPPF states the following:

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

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

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

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

#### Planning Obligations and Developer Contributions

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

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

### *Education Provision*

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

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

### *Public Open Space*

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

### *Affordable Housing*

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

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

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

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

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

### *Local Transport Infrastructure Mitigation and Improvements*

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

#### Other Matters

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

### **11.0 Planning Balance**

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

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

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

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

### Outline

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

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

#### Full application

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

#### **Background Papers:**

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

Ownership certificate served 23/02/2017