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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 18-Nov-2021**

**Subject: Planning Application 2019/94165 Demolition of existing mills and associated structures, erection of five commercial units and associated yard works Butt End Mills, Chadwick Lane, Lower Hopton, Mirfield, WF14 8PW**

**APPLICANT**

Carr, T V Co. Partnership

**DATE VALID**

31-Dec-2019

**TARGET DATE**

31-Mar-2020

**EXTENSION EXPIRY DATE**

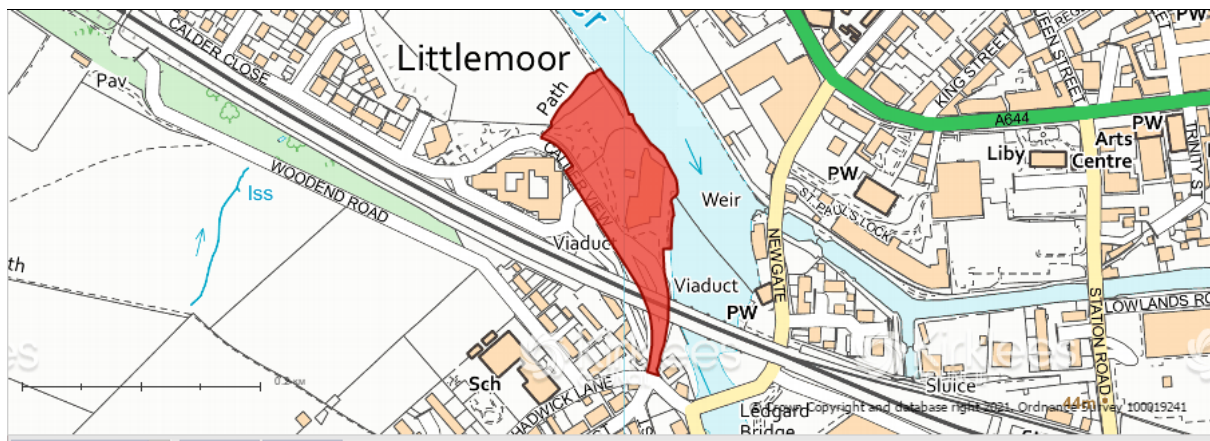
31-Mar-2021

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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: Mirfield**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 Agreement to cover the following matters:

1. Off-site contribution towards biodiversity enhancement to secure a net gain of 10% (£74,543)
2. Contribution towards flood recovery scheme (£10,000)
3. Formation of the proposed riverside path and the dedication of this land to secure public access.

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

## **1.0 INTRODUCTION:**

- 1.1 The application is for the demolition of an existing mill and the erection of five commercial units. The application is brought forward to the Strategic Planning Committee because it is for non-residential development on a site that is over half a hectare in size. This is in line with the Council's Scheme of Delegation.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to a brownfield site off Chadwick Lane, Lower Hopton, Mirfield.
- 2.2 The southern part of the site contains Butt End Mills, which is a sprawling structure comprising of single, two and three storey elements. The mill has its own parking area to the south. The premises are used by a small number of light industrial type businesses.
- 2.3 There was previously a factory building in the northern part of the site, which was demolished around 2018/early 2019. This part of the site is partially enclosed by a stone wall and has its own points of access.
- 2.4 Immediately to the east of the site is the River Calder. To the west of the site is a residential care home with a recent housing development lying beyond to the north west.
- 2.5 Access to the site is from Chadwick Fold Lane, with egress via Calder View. These roads split traffic where they pass below a railway bridge. Both roads are unadopted, although there is an application with the Council for the adoption of the roads in connection with the new residential development to the north-west of the site which has been completed by Gleeson Homes.

### **3.0 PROPOSAL:**

- 3.1 It is proposed to demolish the existing mill and erect five commercial units with a yard for loading, unloading and parking.
- 3.2 The application form specifies that the commercial units would be for light industrial use. Such use falls within use class E(g). This would include the research and development of products or processes, or any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area.
- 3.3 A row of four adjoining units are proposed in the eastern part of the site along with a single detached unit perpendicular to this row.
- 3.4 The units would be two storeys in height and faced in buff brick with profiled metal cladding above. The units would have a mono-pitch roof constructed of grey profiled metal sheeting.
- 3.5 A total of 53 parking spaces are proposed and a turning/loading area would be provided in front of the units.
- 3.6 A new point of access is proposed off Calder View and this would form the sole point of access for the development.
- 3.7 The layout includes the provision of a riverside path along the eastern boundary of the site as well as areas of soft landscaping.

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

- 4.1 The application site formed part of a much larger site that was the subject of planning application 2001/92359 for outline application for residential and employment development with access and associated works. This application was allowed on appeal. There has been a subsequent discharge of conditions application (2009/90120) and compliance with conditions application (2012/91949) pertaining to this application.

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

- 5.1 The proposal was the subject of formal pre-application advice. Advice was provided on flood risk issues, particularly with regards to compliance with Policy LP27 of the Local Plan and the scope of the sequential test. Advice was also provided on highway matters, ecology, noise, contamination, the strategic green infrastructure network and crime prevention.
- 5.2 As part of the application process the applicant has submitted a range of additional and amended information to address consultee responses. This includes:
  - Revised Flood Risk Assessments to satisfy the Environment Agency
  - Additional drainage report
  - Flood evacuation plan
  - Ecological information including Ecological Impact Assessment, biodiversity net gain calculation and bat survey

- Layout amendments to address Highways comments, including removing one of the proposed points of access (layout now has a single vehicular access). Submission of vehicle swept paths.

## 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

6.2 The site is unallocated in the Kirklees Local Plan.

### 6.3 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP20 – Sustainable travel

LP21 – Highway safety and access

LP22 – Parking

LP24 – Design

LP27 – Flood risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP31 – Strategic Green Infrastructure Network

LP32 – Landscape

LP33 – Trees

LP35 – Historic environment

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP53 – Contamination

LP74 – Strategic Green Infrastructure (Mirfield Promenade)

### 6.4 Supplementary Planning Guidance / Documents:

Highways Design Guide SPD

### 6.5 National Planning Guidance:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

6.6 Other material considerations:

Biodiversity Net Gain Technical Note  
Planning Practice Guidance  
National Design Guide

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 No public comments were received in response to the publicity of the application.

7.2 Mirfield Town Council – No comments received

7.3 Councillor Bolt – As a current/former industrial area I look forward to seeing comments from highways, any suggestions on access during flooding etc. I guess the Environment Agency and Lead Local Flood Authority will recommend building on levels above the known flood heights.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

KC Highways Development Management – No objection

KC Lead Local Flood Authority – No objection to the proposed drainage details however the submitted Flood Evacuation Plan is considered to be inadequate.

The Environment Agency – No objection subject to the development being carried out in accordance with the submitted FRA, including minimum finished floor levels.

**8.2 Non-statutory:**

KC Ecology – Conditions are required for a BEMP (Biodiversity Enhancement Management Plan) to deliver on-site ecological mitigation and a CEMP (Construction Environmental Management Plan (for Biodiversity) to mitigate the impact of construction. A condition is also required to provide a sensitive lighting scheme to ensure the recommendations of the submitted Ecological Impact Assessment are implemented. The development is not delivering a 10% biodiversity net gain and so an off-site contribution is required; based on the scheme as it currently stands, this would be £74,543. However, this would be reduced subject to confirmation of a final landscaping scheme and any other additional on-site biodiversity enhancement that could be provided, such as enhancements along the edge of the River Calder which would improve the post-development score significantly whilst protecting the connectivity of the river.

KC Environmental Services – No objection subject to conditions to address contaminated land and conditions to control hours of use, noise, artificial light and construction working. Recommend that electric vehicle recharging points are provided.

KC Trees – No objection subject to condition

KC Conservation and Design – The applicant’s heritage statement is not in line with published guidance, which impacts of the ability of the Local Planning Authority to make an informed assessment. The applicant should be encouraged to reconsider options for retaining and re-using the existing building, either in whole or part; this would be a more sustainable use of resources and would retain some of the local character and context.

Yorkshire Water – No objection subject to conditions

WY Police Designing Out Crime Officer – No objections raised. Advice provided on suitable security measures.

## **9.0 MAIN ISSUES**

- Principle of development
- Flood risk
- Urban design and heritage issues
- Residential amenity
- Highway issues
- Strategic Green Infrastructure Network
- Drainage issues
- Ecology and trees
- Planning obligations
- Other matters
- Climate change

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is unallocated in the Kirklees Local Plan and is an established commercial site. The site currently contains a mill building in the southern part that is occupied by a small number of businesses and a small factory building occupying the northern part of the site, although this was demolished a few years ago. The principle of the proposed development is therefore consistent with the land’s established use.
- 10.2 The proposal involves the recycling of previously developed (brownfield) land. The proposal therefore represents an efficient use of land, which is supported by Policy LP7 of the Local Plan and guidance in the NPPF. This further supports the principle of the proposed development.
- 10.3 The site is however located within Flood Zone 3 on the Environment Agency’s Flood Map for Planning, which means it is at the highest risk of flooding. This constraint heavily influences the overall principle of development. Flood risk is discussed within the following section.

### Flood risk

- 10.4 The Environment Agency identifies the site as being within Flood Zone 3 (high risk). The Calder Catchment Strategic Flood Risk Assessment (SFRA) provides more detailed flood risk information including identifying which parts of flood zone 3 are within the functional floodplain, which is classified as flood zone 3b.

- 10.5 The SFRA and Policy LP27 of the Local Plan provides a distinction between flood zone 3b (functional floodplain) and land that has the same risk of flooding as flood zone 3b but has already been developed - such land is classified as flood zone 3ai.
- 10.6 The proposal site is classified as flood zone 3ai because it is developed land.
- 10.7 Policy LP27 sets out how development proposals in flood zone 3ai will be assessed. Proposals within flood zone 3ai will be assessed using criteria in national policy for flood zone 3a but with additional restrictions to reflect the higher risk. It allows for 'less vulnerable' uses provided that the sequential test has been passed and where redevelopment of a site provides buildings with the same or a smaller footprint.
- 10.8 The proposed use is classed as 'less vulnerable' and so can be accepted in principle provided that the sequential test is satisfied and subject to the footprint of the proposed commercial units being no larger than that of the building(s) that are to be replaced.
- 10.9 Flood mitigation measures such as compensatory storage must be provided and development will not be permitted on any part of the site which performs a functional floodplain role, as identified through a site-specific Flood Risk Assessment.
- 10.10 Development should also meet the following criteria:
- Development should result in no net loss of floodplain storage
  - Development should not impede water flows
  - Development should not increase flood risk elsewhere.

#### Sequential test

- 10.11 Officers have previously agreed the parameters of the sequential test with the applicant. It was agreed that the search area could be limited to Mirfield on the basis that the proposed units are intended to house some of the businesses that currently occupy the site and there is a need for these businesses to continue to operate from the Mirfield area.
- 10.12 The applicant has submitted a sequential assessment of other potential alternative sites within Mirfield. No alternative sites have been identified as being suitable and available. Officers accept that the sequential test has been passed.
- 10.13 Once the sequential test has been passed, it is necessary to apply the exception test.
- 10.14 The application of the exception test should be informed by a site-specific flood risk assessment. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 10.15 Both elements of the exception test should be satisfied for development to be permitted.
- 10.16 There are clear economic benefits to the development in terms of providing modern, purpose built commercial floor space which would be attractive to start-up businesses as well as established businesses that are wanting to relocate or expand. This in turn would help to support job opportunities and economic growth in the district.
- 10.17 The applicant has indicated that the development would support 35 full-time jobs. This level of employment is consistent with the Homes and Communities Agency's Employment Density Guide (3rd edition, November 2015), which suggests that a development of this size would be expected to support approximately 33 full-time members of staff.
- 10.18 There are also environmental benefits in that the proposal would regenerate some partially derelict land and buildings.
- 10.19 The application is supported by a FRA which details a range of flood mitigation measures, including minimum finished floor levels, raised yard and car park areas and flood resistant and resilient construction techniques incorporated into the design of the buildings. The Environment Agency raises no objection to the development provided these measures are incorporated.
- 10.20 On the basis of the above, it is considered that the development provides wider sustainability benefits that would outweigh the risk of flooding and it has also been demonstrated that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

#### *Building footprint*

- 10.21 Policy LP27 does not allow for any increase in building footprint on sites that are being redeveloped and the supporting text encourages a reduction in footprint.
- 10.22 In this case the existing building comprises Butt End Mills. There was also a small factory building in the northern part of the site that was removed at some point between June 2018 and April 2019. It is considered reasonable for the footprint of the factory building to be included within the 'existing' footprint given that it had been present on the site up until shortly before this application was submitted.
- 10.23 Information submitted in support of the application confirms that the new units do not have a footprint greater than the existing mill and previous factory combined. The application therefore accords with Policy LP27 in this regard.
- 10.24 In conclusion, notwithstanding the risk of flooding to the site, it is considered that the principle of development can be accepted in this location. This is because the risks can be mitigated to an acceptable degree and the residual risk is outweighed by the economic benefits.



### Flooding of the access roads

- 10.25 Officers have also given consideration to the issue of flooding on the access roads serving the site. The vehicular approach to the site is via Calder View and the exit is via Chadwick Fold Lane. These roads pass through separate arches below a railway bridge. A third archway provides pedestrian access. It is known that flooding below the railway bridge occurs with some frequency and sometimes to a considerable depth during significant rainfall events. Calder View is the road that is most affected because it is at the lowest level.
- 10.26 These accesses to and from the site are unadopted. They currently serve a residential care home and a new residential development of some 99 dwellings as well as Butt End Mills. The Council is in negotiations with the developer of the dwellings to secure the adoption of these roads. As part of the agreement, several flood mitigation measures are intended. These include works to fit a non-return valve to an outfall pipe below the railway bridge, the provision of telemetry signage to warn drivers when flooding occurs below the railway bridge, and the adoption of an emergency access route to the south-west of the access roads which is at a higher level and would provide dry egress during a flood.
- 10.27 It is not considered that there are any additional off-site flood mitigation works that could be provided over and above those due to be delivered through the ongoing Section 38 (road adoption) process, and which would be proportionate to the scale and nature of the proposed development.
- 10.28 It is recognised however that the proposal would intensify the use of a problematic access. Whilst it is not considered possible for this application to provide measures that would reduce the frequency or severity of flooding below the railway bridge, it is considered reasonable and necessary for the development to contribute towards scheme that would help to mitigate the effects of flooding through a commuted sum for the clean-up costs following flood events. This would help to get the access roads operational again following a flood.
- 10.29 The Council's Streetscene service have advised that the clean-up cost of a flood event would be around £200, which would involve a road sweeper operating for around two hours.
- 10.30 The road below the bridge regularly floods throughout the year to differing degrees. The most recent known flood incident occurred on 1<sup>st</sup> November 2021. The most severe flood events, where the river overtops the bank, is estimated to occur once every two years.
- 10.31 It is considered that the development should provide a contribution of £10,000. This would equate to approximately five clean-up operations a year for ten years. Such a contribution is considered 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.

### Flood evacuation

- 10.32 The applicant has provided a flood evacuation plan which principally covers flood warning processes and procedures and indicates pedestrian evacuation routes.
- 10.33 Kirklees Lead Flood Authority (LLFA) have raised concerns with the applicant's flood evacuation plan because it is not considered to adequately address dry access from the site for pedestrians in extreme events. The LLFA have recommended that a raised walkway is incorporated into the layout that would be above the estimated maximum level of flooding in the car park (700mm). It has also been suggested that mezzanine floors are provided within the units to provide safe refuge.
- 10.34 The applicant has advised that a mezzanine level could be added to the units but does not consider that it is feasible to provide an elevated walkway feature into the layout. Such a feature would impact on the proposed car park, would have to be designed so as not to impede the overland flow of water, be able to extend to a suitable dry area (which would be towards the residential development to the north-west and outside of the site boundary) and be of a suitable design in visual amenity terms.
- 10.35 The challenge of providing a suitable raised walkway is recognised and on balance it is considered that the inclusion of mezzanine floors, which would provide dry refuge in a sudden and extreme flood event, represents an acceptable solution. An amended floor plan showing the inclusion of mezzanine floors is to be submitted.

### Conclusion on flood risk

- 10.36 This is a previously developed site that is at high risk of flooding. The development would effectively replace the existing mill with buildings that are far better able to withstand the effects of flooding through a range of flood mitigation measures, including raised finished floor levels. Further measures to mitigate the effects of flooding are to be provided through mezzanine floors and a contribution towards a flood mitigation scheme intended to address the after-effects of flooding on the access road. The application is considered to comply with Policy LP27 of the Local Plan and guidance in the NPPF.

### Urban design and heritage issues

- 10.37 Policy LP24 of the Local Plan states that good design should be at the core of all proposals, and this should be promoted by ensuring that the form, scale, layout and details of all development respects and enhances the character of the area. Guidance within the NPPF also seeks to achieve well-designed places (chapter 12).
- 10.38 The railway bridge to the south of the application site is a Grade II listed structure and the canal lock to the north-east is also Grade II listed. It is therefore necessary to consider the impact of the development on the setting of these designated heritage assets. Policy LP35 of the Local Plan and chapter 16 of the NPPF are relevant in this regard.

- 10.39 The development involves the demolition of the existing mill. It is recognised that this mill has a degree of architectural and historic interest that would be lost. The mill is however in a somewhat dilapidated state with parts of the mill in very poor condition. The condition of the mill serves as an impediment to its conversion and the layout of the building is likely to make it unsuitable for most modern business practices. The existing mill would also be at greater risk of flooding than the proposed units, which would be set above the existing ground level of the mill. The risk posed by flooding to the mill is likely to make its conversion unattractive to any developer and unattractive to potential occupiers. In the circumstances, officers accept the loss of the mill. Material from the mill could be reclaimed, which would help to offset the environmental impact of the new development.
- 10.40 The general scale and form of the proposed units is typical for this type of development, although the proposed use of materials elevates the overall quality of design. The units have a buff brick plinth with profiled metal cladding above, with the brickwork extending upwards in specific places. Two different shades of grey are proposed for the metal cladding along with areas of glazing. This creates contrasting elements that provides visual interest. This is important given the proposals would form a substantial block of development and would be a visible from the river as well as nearby residential development.
- 10.41 The scheme provides areas of soft landscaping, including a hedge to the eastern and north-western boundaries and tree planting within the northern and southern parts of the site. This would help to soften the appearance of the development. A planting specification for the proposed landscaping is recommended. It is worth noting as well that the applicant is undertaking a programme of tree planting outside of this application within the land to the north of the site which is within their ownership (and shown within the blue line on the submitted location plan); this is intended to provide ecological, environmental and flood mitigation benefits.
- 10.42 The site layout plan indicates that a fence would be provided to the site frontage, although design details have not been provided. Details of the boundary treatment can be secured by condition, along with details of the bin store that lies to the front of the site.
- 10.43 The proposed layout incorporates a buffer to the adjacent river through the provision of a section of riverside pathway (discussed in more detail later in this appraisal).
- 10.44 Officers have considered the impact of the proposals on the setting of the nearby listed railway bridge and canal lock. The railway bridge is approximately 50m to the south of the site and the lock is approximately 100m to the east of the site across the river/canal basin. The lock is the transition point from river to canal. The basin has a commercial setting with industrial buildings and new bridge on its edges.
- 10.45 The proposals would have an impact on the setting of these heritage assets and would result in the loss of some of the visual connections between the mill and the transport network that served it. The mill is however in a poor state of repair, which detracts from the character of the area. Turning to the proposed new buildings, their scale and design along with the proposed landscaping are such that the development would not significantly harm the setting of the identified heritage assets in officers' opinion.

10.46 In summary, it is considered that the proposal would provide a high quality development that would sit comfortably within the surrounding context of modern residential development to the north west and the established mixed development on the opposite side of the river. The development is considered to comply with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the NPPF.

#### Residential Amenity

10.47 The application site lies in close proximity to residential development, including a care home.

10.48 The proposals are for light industrial units which would fall within Use Class E(g). These are uses which can be carried out in a residential area without detriment to its amenity, including industrial processes. The principle of light industrial use is therefore considered acceptable in a residential area.

10.49 Kirklees Environmental Services have been consulted on the application. To mitigate the impact on residential amenity, conditions are recommended to restrict the hours of use, secure the noise mitigation measures as detailed within the applicant's noise report, and to secure details of any external lighting for the development.

10.50 It is recommended that the proposed hours of use are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays, with no activities on Sundays or Bank Holidays (restrictions apply to deliveries to and dispatches from the units).

10.51 The noise mitigation measures to be incorporated into the development include sound reductive roller shutter doors and restrictions on the noise rating of fixed mechanical services and external plant and equipment.

10.52 Subject to the above conditions, it is considered that the application complies with Policy LP24 of the Local Plan and guidance in the NPPF.

#### Highway issues

10.53 Access to the site is via Calder View and Chadwick Fold Lane from Calder Road. Calder View is an on-going residential development by Gleeson Homes and the road serving the development is currently un-adopted highway.

10.54 Access is beneath the arches of the existing railway viaduct over Calder View and Chadwick Fold Lane. The vehicular entrance to the site is Calder View beneath the western arch and the exit is beneath the eastern arch Chadwick Fold Lane. Pedestrian access is beneath a third arch to the west of Calder View. These arches are known to flood to a considerable depth.

10.55 The two arches have 3.88m minimum headroom. In addition, a further secondary access is available with a 3.1m headroom.

- 10.56 Access to the site from A644 Huddersfield Road to the north of the site is via Newgate or Station Road and Back Station Road. Both of these routes have low bridges at 3.2m on Station Road and 3.8m on Newgate. In addition to the bridges Newgate and Station Road are narrow with fairly poor horizontal alignment and Back Station Road has problems with on street parking associated with Mirfield railway station.
- 10.57 The available headroom under the existing bridges along the routes to this site will not allow access for all HGV vehicles.
- 10.58 Access from the east is via Calder Road which is relatively narrow and predominantly residential.
- 10.59 The series of low railway bridges between the A644 and Lower Hopton prevent high vehicle access via the A644, and leave Upper Hopton and Hopton Lane as the only available (but unsuitable) route to industrial units in Lower Hopton. This has resulted in repeated severe damage to property at the Hopton Lane / North Gate junction and concern from local residents.
- 10.60 All vehicles approaching the premises from the south will also access the premises via Upper Hopton.
- 10.61 The existing highway network serving the site would limit the potential for all sizes of HGVs to visit the site. This would influence the types of business that could operate from the units, although the nature of the units (light industrial) would mean that it would generally be smaller types of commercial vehicle.
- 10.62 The proposal would be provided with dedicated car parking and servicing facilities. All the new units have a suitable area to allow vehicles to load / unload clear of the main service road. Swept paths have been provided to demonstrate that a 16.5 metre articulated lorry could enter and exit this site in a forward gear. While it is acknowledged that the height restriction on the local bridges means that a 16.5 metre articulated lorry would be unlikely to be able to gain access to the site, a flatbed lorry may well be able to gain access as the cab would be the highest part of the lorry.
- 10.63 A new upgraded access arrangement directly off Calder View is proposed. This is of an appropriate width and has good visibility. A separate pedestrian access is proposed towards the south of the site.
- 10.64 The development proposes 53 spaces for the development and 3 service vehicle parking spaces, which should be sufficient to cope with the estimated demand, particularly given the public transport links available to employees as described below.
- 10.65 The site has good public transport links with bus services available on Calder Road located approximately 250m south of the site, as well as the further services available on Huddersfield Road A644 to the east of the site (around 580m). The site is within walking distance of Mirfield Train Station. Mirfield Station is located approximately 500m east of the development site.

- 10.66 Based on the floor space and nature of development as well as the restrictions of the access roads, the number of HGV movements that would potentially be realised is likely to be limited and would have little or no impact on the local network. It is estimated that this could be as low as 16 HGV movements a day.
- 10.67 In summary, the proposed development is considered to be acceptable in highway safety terms and accords with Policies LP20, LP21 and LP22 of the Kirklees Local Plan and guidance in the NPPF.

#### Strategic Green Infrastructure Network

- 10.68 There is a strip of land within the site adjacent to the River Calder that is designated as part of the Strategic Green Infrastructure Network in the Local Plan. This part of the Network falls under the Mirfield Promenade project which is a specific allocation under Policy LP74 of the Local Plan. The proposals are required to take account of the development principles set out within the Mirfield Promenade policy designation. Policy LP31 of the Local Plan (Strategic Green Infrastructure Network) is also relevant in this regard.
- 10.69 The layout of the site provides for this route by creating a path through the site along the designated route. The path runs to the rear of the proposed units and would be separated from them by a new hedge. The proposal is therefore considered to comply with Policy LP74 and LP31. It is necessary to secure the dedication of this path for unrestricted public access under a legal agreement.

#### Drainage issues

- 10.70 Surface water would be attenuated on site within two cellular storage tanks below the car park. Water would discharge to the River Calder at a restricted rate.
- 10.71 Kirklees LLFA raise no objection to the proposed surface water strategy. Conditions to secure detailed drainage design are recommended. Yorkshire Water have raised no specific objections.
- 10.72 A condition requiring a scheme for temporary surface water drainage during the construction phase is recommended in the interests of environmental well-being and amenity.

#### Ecology and trees

- 10.73 The site is adjacent to a designated Wildlife Habitat Network (the River Calder).
- 10.74 The application is supported by an Ecological Impact Assessment and bat survey.

- 10.75 The Council's Ecology Unit raises no objection to the application. Conditions are recommended for a BEMP (Biodiversity Enhancement Management Plan) to deliver on-site ecological mitigation and a CEMP (Construction Environmental Management Plan (for Biodiversity)) to mitigate the impact of construction. A condition is also recommended to provide a sensitive lighting scheme to ensure the recommendations of the submitted Ecological Impact Assessment are implemented.
- 10.76 The development is not delivering a 10% biodiversity net gain and so an off-site contribution is required. Based on the scheme as it currently stands, this would be £74,543. However, this would be reduced subject to confirmation of a final landscaping scheme and any other additional on-site biodiversity enhancement that could be provided, such as enhancements along the edge of the River Calder which would improve the post-development score significantly whilst protecting the connectivity of the river. A mechanism can be built into the s106 so that the contribution is reduced by a proportionate amount, subject to the final details of the landscaping scheme and provision of biodiversity enhancement measures within the development.
- 10.77 While there are several trees to be removed as part of this proposal, they are of poor quality with limited long term viability. The development would be providing replacement tree planting on the site as part of the landscaping proposals (full details to be secured by condition).

#### Planning obligations

- 10.78 As detailed earlier within this report, the following financial contributions are sought from this development:
- £74,543 towards off-site biodiversity enhancement
  - £10,000 towards a flood recovery scheme
- 10.79 In addition, it is necessary to secure the dedication of the proposed 'riverside path' as part of the Section 106 agreement.

#### Other Matters

- 10.80 The application is supported by a Phase 1 contaminated land report. This recommends further intrusive site investigations. Kirklees Environmental Services agree with the findings of the report and recommend a suite of conditions to secure the intrusive site investigations and remediation of the site as necessary.
- 10.81 An Air Quality Assessment has been submitted with the application. Based on the development being for light industrial use (use class E(g)), Kirklees Environmental Services are satisfied that the development would not give rise to any unacceptable air quality impacts and no mitigation is required.
- 10.82 Facilities for charging electric vehicles and other ultra-low emission vehicles are considered necessary, in accordance with Policy LP24 of the Local Plan, the West Yorkshire Low Emissions Strategy and guidance within the National Planning Policy Framework. A condition requiring charging points is recommended.

10.83 No objections have been raised by the Police Designing Out Crime Officer.

#### Climate change

10.84 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.85 The development relates to a brownfield site and therefore represents the efficient use of land. Reclaiming the stone from the existing mill for use elsewhere would also represent an efficient use of resources.

10.86 The site is in a sustainable location, with good access to bus and rail links which will promote the use of public transport by employees. Electric vehicle recharging points would be provided (details via condition). The development is providing replacement trees on the site. These measures will help to mitigate the impact of this development on climate change.

### **11.0 CONCLUSION**

11.1 The site has an established commercial use and in this regard the principle of the proposed development is considered to be acceptable.

11.2 The development would provide five purpose built light industrial units which would increase the supply of modern employment floor space within this part of the district and would support in the region of 35 full-time equivalent jobs.

11.3 The development lies in a high flood risk area however the applicant has demonstrated that the development can be made safe, and it is accepted that the wider benefits of the development outweigh the residual flood risk.

11.4 The development is considered acceptable in highway safety terms and the proposed use is compatible with the adjacent residential development, subject to conditions.

11.5 The proposal would secure land for the Mirfield Promenade project and would deliver a biodiversity net gain of 10%.

11.6 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.

11.7 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 Planning and Development)**

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Development in accordance with the approved Flood Risk Assessment, including minimum finished floor levels
4. Full suite of contaminated land conditions (Phase 2 report, remediation and validation)
5. Detailed drainage design including surface water attenuation and petrol interceptor for the car park
6. Temporary drainage measures for construction phase
7. Scheme for provision of electric vehicle recharging points
8. Biodiversity Enhancement Management Plan (BEMP)
9. Construction Environmental Management Plan for biodiversity (CEMP)
10. Detailed planting schedule
11. Boundary treatment details (hard landscaping) including details of the bin store enclosure
12. Noise mitigation measures as proposed within the application
13. Restriction on the hours of use as detailed within this report
14. Scheme for external lighting (for biodiversity and amenity)
15. Surfacing of the parking and turning areas
16. Construction Management Plan for highways and residential amenity
17. Provision of the riverside path before the development is brought into use

### **Background Papers:**

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f94165>

Certificate of Ownership – Certificate A signed.