
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 10-Feb-2022

Subject: Planning Application 2021/92946 Demolition of Holmfirth Market Hall, extension and redevelopment of existing Huddersfield Road Car Park to include improvements to the existing vehicular entrance point on the A6024, the creation of a new vehicular access point onto the A6024, the creation of a new widened pedestrian bridge over the River Holme and associated landscaping, lighting and drainage works (within a Conservation Area) Huddersfield Road Car Park and Holmfirth Market Hall, Huddersfield Road, Holmfirth, HD9 3JH

APPLICANT

Kirklees Council

DATE VALID

21-Jul-2021

TARGET DATE

15-Sep-2021

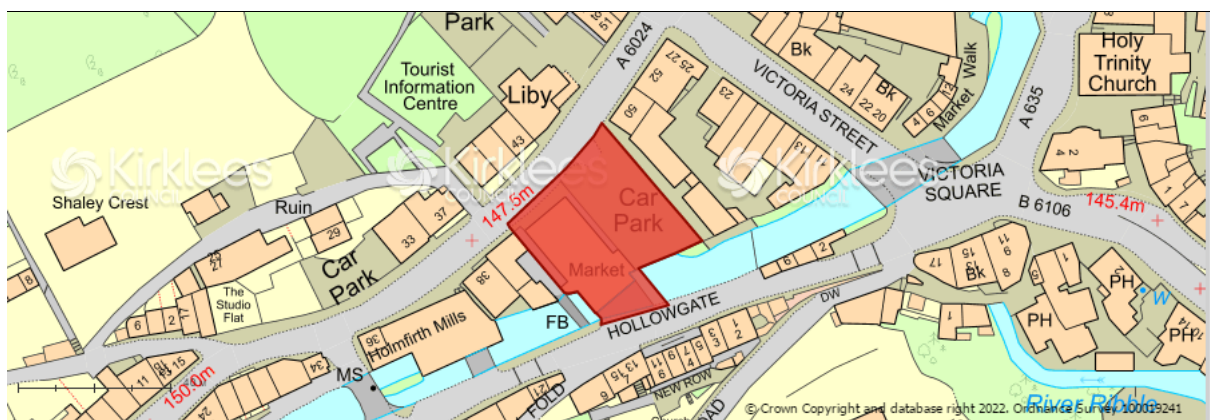
EXTENSION EXPIRY DATE

16-Feb-2022

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: No

Public or private: Public

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.

1.0 INTRODUCTION:

- 1.1 This application seeks full planning permission for the demolition of Holmfirth Market Hall, extension and redevelopment of existing Huddersfield Road Car Park to include improvements to the existing vehicular entrance point on the A6024, the creation of a new vehicular access point onto the A6024, the creation of a new widened pedestrian bridge over the River Holme and associated landscaping, lighting and drainage works.
- 1.2 The application is brought to the Huddersfield Planning Sub-Committee for determination under the terms of the Delegation Agreement, on the basis of the volume of representations received in relation to this application (45 representations received to date).

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises two elements, with an open car park to the north east and Holmfirth Indoor Market to the south west. The Huddersfield Road Car Park is a short stay surface car park currently accommodating 24 parking spaces. The market building is a split level (1 to 2 storey) building constructed from stone under a stone slate roof.
- 2.2 To the north-west of the site is Huddersfield Road, which the car park is accessed from, and to the rear (south east) is the River Holme and Hollowgate. The Market building can be accessed from both Huddersfield Road as well as Hollowgate. The Market building is partially constructed on a bridge over the River Holme. There is a bus shelter attached to the northern elevation of the market building facing Huddersfield Road. The site slopes from the north west to south east towards the river.
- 2.3 The neighbouring land uses consist of a mix of commercial and residential, with commercial uses directly to the south west and north west of the site.
- 2.4 The site is within Holmfirth Conservation Area. To the south east of the site is the Grade II listed building of 1-3 Hollowgate, whilst to the south west of the site is the Grade II listed building of 25, 27 Hollowgate. A small area of the site (to the south east and south west) is within Flood Zones 2/3. A culverted watercourse runs under part of the existing building / car park.

2.5 The site is within the designated Holmfirth Primary Shopping Area and the market forms secondary shopping frontage onto Huddersfield Road and Hollowgate.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the for the demolition of Holmfirth Market Hall, extension and redevelopment of existing Huddersfield Road Car Park to include improvements to the existing vehicular entrance point on the A6024, the creation of a new vehicular access point onto the A6024, the creation of a new widened pedestrian bridge over the River Holme and associated landscaping, lighting and drainage works.
- 3.2 The proposal would result with an extended car park comprising 26 spaces (including 2 disabled spaces and 3 electric vehicle spaces). The car park is proposed to operate on a one-way system, with the existing (but altered) vehicular access point on Huddersfield Road being the entrance, and a new vehicular exit point being created onto Huddersfield Road. A retaining wall is proposed relatively centrally on the proposed extended car park to deal with a change in levels between the north east side of the car park and the south west side of the car park. The submission notes that it is intended for the car park to operate as a short stay car park where visitors will be required to pay for parking during designated times.
- 3.3 A new widened bridge area to Hollowgate is proposed to replace the existing bridge, and would be used as a pedestrian access between both highways. New steps are also proposed along the south west boundary of the site to provide an additional pedestrian link between Hollowgate and Huddersfield Road. At the south west side of the site, a ramp and stairs are proposed to access the car park.
- 3.4 A bin storage area is proposed in the under-croft section of the site facing Hollowgate (under the ramp leading to the car park) and would serve as storage for some of the adjoining commercial premises. The bin storage area would have laser cut steel doors.
- 3.5 New landscaping is proposed across the site, consisting of some soft landscaping, as well as new paving (notably on the bridge section and for the parking bays). A number of railings and walls are proposed within the site, including most site boundaries apart from the boundary shared with Hollowgate.
- 3.6 The proposal forms part of the Holmfirth Town Centre Access Plan (HTCAP), which is funded though the West Yorkshire Plus Transport Fund and the Leeds City Region Growth Deal to support the delivery of projects contained within West Yorkshire to accelerate growth and create jobs. The HTCAP aims to support economic growth through investment in improvements at key junctions which focus on reducing current and forecast congestion, improving journey time reliability and widening sustainable travel opportunities.

4.0 RELEVANT PLANNING HISTORY:

4.1 The following planning history at the application site is considered relevant to the assessment of this planning application:

- 90/00622 – Change of use, extensions and alterations to form 8 retail units with associated parking – Approved.
- 93/02324 – Conversion of the garage showroom premises to market hall including shopfront alterations and parking – Approved.
- 96/90985 – Erection of platform and walkway – Withdrawn.
- 96/91210 – Erection of fascia signs – Consent granted.
- 2009/91492 – Erection of illuminated fascia sign – Consent granted.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Following the submission of the application, the Environment Agency objected to the application and Historic England raised concerns with the application. Officers also raised some design concerns and well as a query in relation to the future of the market. In addition, Officers requested further visualisation plans following representations in relation to the clarity of the plans.

5.2 After this, an addendum to the Flood Risk Assessment (FRA) was submitted, but this did not fully address the Environment Agency's concerns and the Environment Agency maintained their objection.

5.3 Following this, the applicant's agent held a meeting with the Environment Agency to try and address their concerns. After this meeting a revised FRA was submitted, along with slight alterations to the design of the proposal to try and address design concerns held by Officers and Historic England, as well as an amended Heritage Assessment. Further details of the future of the market were also provided by the applicant.

5.4 In relation to the submission of the revised FRA, the Environment Agency has confirmed they have no objection to the proposal subject to conditions.

5.5 The amendments to the design addressed some of the concerns raised by Historic England and Officers, and Officers consider that remaining design concerns they hold can be addressed by suitably worded conditions.

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 27th February 2019).

6.2 The site is within the designated Holmfirth Primary Shopping Area and the market forms secondary shopping frontage onto both Huddersfield Road and Hollowgate. The site is also within Holmfirth Conservation Area.

6.3 Kirklees Local Plan (2019):

- **LP 1** – Presumption in Favour of Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development

- **LP 13** – Town Centre Uses
- **LP 14** – Shopping Frontages
- **LP 20** – Sustainable Travel
- **LP 21** – Highways and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood Risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity & Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 32** – Landscape
- **LP 33** – Trees
- **LP 34** – Conserving and Enhancing the Water Environment
- **LP 35** – Historic Environment
- **LP 43** – Waste Management Hierarchy
- **LP 47** – Healthy, Active and Safe Lifestyles
- **LP 48** – Community Facilities and Services
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

6.4 National Policies and Guidance:

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 6** – Building a Strong, Competitive Economy
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

6.6 Holme Valley Neighbourhood Development Plan (2020-2031)

6.7 The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The following policies of this plan are considered relevant:-

- **Policy 1** – Protecting and Enhancing the Landscape Character of the Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

- **Policy 5** – Promoting High Quality Public Realm and Improvements to Gateways and Highways
- **Policy 8** – Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres
- **Policy 9** – Protecting and Enhancing Local Community Facilities
- **Policy 11** – Improving Transport, Accessibility and Local Infrastructure
- **Policy 12** – Promoting Sustainability
- **Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain

6.8 Supplementary Planning Guidance Documents

- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Highways Design Guide (2019)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emission Technical Planning Guidance (2016)

6.9 Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004.
- Section 17 of the Crime and Disorder Act 1998 (as amended)
- The Conservation of Habitats and Species Regulations 2017

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 Neighbour letters expired on 10th September 2021; Press advert expired on 10th September 2021; Site notice expired on 24th September 2021.

7.2 45 letters of representation have been received, 30 of which raise objections, 3 of which raise general comments and 7 of which support the scheme. The comments raised are summarised below (full comments are available to view on the Council's Planning Webpage):

7.3 Comments of Concern

- Object to the loss of the market hall which is a community asset and provides access to fresh produce supplied by local producers.
- Loss of market would harm the vitality and viability of the area.
- Underinvestment in current market which has resulted in it being under-utilised.
- Concerns with loss of public toilets.
- Existing building should be renovated/refurbished.
- The market is still used 2 days a week.
- Should look to support existing businesses.
- No alternative and suitable site for a market has been provided.
- Should try to find other use for the building.
- Building is in sound condition.
- Demolition is unsustainable if no need.
- Demolition of building would cause harm to the conservation area.

- Loss of active frontages would have a negative impact upon character of the locality and the conservation area.
- The River Holme is an asset and covering this up further would cause harm to the appearance of the town centre.
- Car parking would harm the character of the area.
- Lack of soft landscaping/planting.
- Height restrictor barrier is unattractive.
- Poor design that is out of keeping with the locality.
- Local materials should be used for the construction and the design of the street furniture.
- Not clear how the proposal would integrate with the proposed riverside walkways.
- Would not result in a significant gain in parking spaces.
- Parking should be situated away from the centre/There is no need for additional parking in the area.
- Increase in number of spaces does not necessarily increase footfall.
- Would increase traffic in the area, which is already busy.
- Congestion will deter people from visiting Holmfirth Town Centre.
- Traffic through Holmfirth needs to be addressed.
- 2 way traffic on Hollowgate is dangerous.
- Should not be encouraging car travel- should be encouraging low carbon modes of transportation.
- No evidence to say this will cut carbon emissions.
- EV charging points are poorly specified, and comments on the speed of the charging points.
- Should be more electric charging points.
- Lack of facilities for bicycles.
- More space for bicycles and motorbikes is encouraged.
- Lack of disabled parking.
- Lack of free parking for local residents.
- Non-wheelchaired bound disabled will have problems getting to the lower level.
- Negative impact on air quality.
- Plans are not clear.
- Comments and concerns with elements of the Holmfirth Town Centre Access Plan outside the red line boundary (therefore not subject of this application).
- Harm to biodiversity.
- Scheme requires more benches.
- Proposal would cut off direct street frontage for businesses to north east of the site.
- Disruption to highways and businesses during implementation.

7.4 Comments of Support

- Current building is unattractive and removal could help improve the centre of Holmfirth and make it a more attractive place.
- Removal of the building would open up views across the river.
- Creation of additional pedestrian/open space would improve the appearance of the locality.
- Design will be sympathetic to the conservation area.
- Welcome the commitment to use locally sourced materials.
- Hiding away of bins is supported.
- Existing market is seldom used.

- Will improve visibility of shops on Hollowgate thereby helping these businesses.
- Additional parking spaces should help prevent parking on Hollowgate, making this road safer for highway users.
- The roads through Holmfirth are very busy and narrow, and improving this would enhance the resident and visitor experience and increase footfall.
- Improving access between Huddersfield Road and Hollowgate is desirable.
- The changes to the entrance of the car park will help to reduce congestion by improving the flow of traffic in and out of the car park.
- Reducing congestion will improve air quality.
- Welcome electric vehicle charging points.
- Reducing the slope will make the car park better for pedestrians.
- Any action to reduce flooding risk is supported.

7.5 As outlined within Section 5 of this committee report, some amendments to the scheme have been proposed, as well as a revised Heritage Assessment and Flood Risk Assessment, but as this has not resulted in alterations to the overall layout of the proposal, it was not considered necessary to re advertise and the scheme as advertised is considered to have adequately alerted the public to the nature of the development.

7.6 Holme Valley Parish Council: Support but encourage the developers to undertake all suitable action to mitigate disruption to the town and its residents during the period of construction.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- Historic England (a duty to notify, not consult): do not wish to offer any comments and recommend that Officers seek the advice of KC Conservation.
- The Environment Agency: Following the submission of a revised FRA with a WFD attached alongside and amended plans, the Environment Agency raised no objections to the proposal subject to compliance with the FRA (which can be conditioned). The Environment Agency also recommended the LPA consider whether the new extended bridge is classed as essential infrastructure in line with Policy LP27 of the Kirklees Local Plan.
- The National Amenities Society: No comments received.

8.2 Non Statutory:

- KC Conservation and Design: No objections subject to conditions.
- KC Crime Prevention: Raises concerns, particularly with regard to natural surveillance with the recessed footpath to the south west and the ramp being used by skateboarders. KC Crime Prevention recommended omitting the path to the north west or gating this off to the public, using appropriate paving treatments to prevent the ramp being used by skateboarders and using appropriate lighting to illuminate the paved and seating area. KC Crime Prevention have also noted that cycle security should be to good standard and that parking provision for motorcycles should be conditioned.

- KC Ecology: No objections in principle. Whilst there is agreement with the enhancements proposed, it would be advantageous for there to be a biodiversity net gain in habitat along the river or in the condition of the river itself, especially as the River Holme forms part of the Kirklees Wildlife Habitat Network. This does not need to be quantified utilising the metric.

In addition, there is a bat roost identified beneath the existing bridge and a licence will be required in order to undertake work on the bridge. Sufficient compensation and enhancement has been proposed for this roost, however, there are some residual concerns that the lighting proposed will cause significant light spill onto the River Holme, particularly around the entrance to the bridge which is where bats are accessing the existing roost and any further roosting features provided. It is stated that the temperature of the lighting has been specified to reduce impacts on bats however it is indicated to be 4000k, generally a warmer temperature than this is recommended (<3000k). It is also stated that a baffle is to be used on one of the lighting columns to restrict light onto the eastern portion of the river, however the horizontal lighting contours have not been updated to reflect this and there are levels of at least 10lux predicted on the river. Therefore, the contour plans should be updated to reflect this inclusion, and if the lighting levels are still unacceptable further options should be considered.

- KC Environmental Health: No objections subject to conditions.
- KC Highways Development Management: No objections subject to conditions.
- KC Highways Structures: No objections subject to a pre-commencement condition regarding design and construction details of the footbridge.
- KC Landscape: No comments received.
- KC Lead Local Flood Authority: No objections subject to conditions.
- KC Policy: No objections on the understanding that alternative provision is provided within Holmfirth.
- KC Trees: No objections in principle.
- KC Town Centres: No comments received.
- KC Waste Strategy: No comments received.
- West Yorkshire Ecology: Raise concerns with the increased culverting of the river and the biodiversity net gain metric should be utilised. Any species related mitigation identified would need to form part of an overall Biodiversity Enhancement Management Plan.

8.3 The above is a summary of the responses provided from consultees, with full comments being able to view on the Council's Planning Webpage.

9.0 MAIN ISSUES:

- Principle of the development
- Visual amenity (including impact upon historic environment)
- Residential amenity
- Highways safety
- Ecological impacts
- Trees
- Flooding and drainage
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL:

Principle of the development

10.1 Paragraph 7 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.

10.2 In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

10.3 Policy LP2 states that: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes...”*

10.4 The site is within the Kirklees Rural sub-area. The listed qualities will be considered where relevant later in this assessment.

10.5 Policy LP3 of the Kirklees Local Plan outlines that proposals will be required to reflect the Spatial Development Strategy, Policy LP1 Presumption in Favour of Sustainable Development and Policy LP2 Place Shaping.

10.6 In this case, there are considered to be two strands to the principle of development, this being the acceptability of the proposal within the Holmfirth Town Centre, and the loss of a community facility. These will be discussed below:

Acceptability of the Proposal within Holmfirth Town Centre

10.7 The site is within the designated Holmfirth Primary Shopping Area within Holmfirth Town Centre and the market forms secondary shopping frontage onto both Huddersfield Road and Hollowgate.

10.8 Chapter 7 of the NPPF relates to ensuring the vitality of town centres and states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

10.9 Policy LP13 of the Kirklees Local Plan relates to town centre uses and sets out that within Kirklees, main town centre uses shall be located within defined centres. These consist of principal town centres, town centres, district centres and local centres. The Policy outlines that proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported. Policy LP13 notes that the role and function of town centres, is to:

- Provide for the shopping needs of residents across Kirklees mainly in the convenience (food) goods sector.
- Be the focus for the local provision of financial services; offices; entertainment and leisure facilities; arts, culture and tourism facilities, further education; and health services.

10.10 The policy goes on to say that: *“Centres shall provide a mix of uses to serve the local community, businesses and visitors to the district. The uses shall complement each another whilst retaining a strong retail core. Centres in Kirklees shall aim to provide a range of uses to support the daytime and evening economy.”*

10.11 Policy LP14 of the Kirklees Local Plan relates to shopping frontages and states that Principal and Town Centres, Primary Shopping Areas, Primary Shopping Frontages and Secondary Shopping Frontages have been defined to ensure a strong retail core to these centres, and focus main town centre uses within defined areas.

10.12 In relation to Primary Shopping Areas, Policy LP14 notes that this will be the retail core individually defined for each town centre. Uses within Primary Shopping Areas will be expected to maintain or provide active ground floor uses.

10.13 Regarding Secondary Shopping Frontages, Policy LP14 states that these are frontages within and adjacent to the Primary Shopping Area in Principal and Town Centres that are not designated as Primary Shopping Frontages. These frontages are characterised by a mix of retail and other ‘main town centre uses’. It states that: *“Within the Secondary Shopping Frontages as defined on the Town Centre Maps, at street level, proposals for retail and other main town centre uses will be acceptable provided they meet criteria a, taking into account criteria b and c:*

- a. whether the proposal would lead to a dominance of non-retail uses in a particular frontage which would undermine the retail core and function of the Primary Shopping Area;*
- b. the nature of the proposed use, including the associated level of activity, hours of operation, whether a shop front would be incorporated and whether it would complement neighbouring uses; and*
- c. in all cases proposals and changes of use shall seek to either retain, enhance or replace to improve shop front design and layout.”*

10.14 Holme Valley Neighbourhood Development Plan (HVNDP) Policy 8 (Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres) sets out several criteria that development proposals in town centres will be assessed against. Criteria 1, 2 and 5 as set out below are considered to be relevant to this proposal.

- 1) *“New developments and changes of use should complement existing provision and ensure that the town, district or local centre offer provides a range of uses appropriate for the relevant type of centre. Care should also be taken to ensure that development does not adversely affect other amenities and facilities, such as open and green space.*
- 2) *Proposals should be designed to secure easy pedestrian access and cycle and car parking to standard (including electric vehicle charging points). The development should be within easy walking distance of public transport facilities, use clear signage and provide facilities for the disposal of litter.*
- 5) *Distinctive and detailed historic architectural features of buildings should be retained and enhanced in accordance with HVNDP Policies 2 and 4.”*

10.15 The proposal would result in the loss of a retail use, which is also a main town centre use (this being Holmfirth Market). As noted above, one of the functions of the town centre is to provide for the shopping needs of residents across Kirklees. Further to this, as outlined in the text supporting Policy LP14, retail represents a key main town centre use, and such uses add to the vibrancy, vitality and viability of centres across the district. The supporting text to Policy LP14 goes on to state that the protection of retail uses within centres is important to protect the health of those centres, and that within Primary Shopping Areas and Secondary Shopping Frontages there should be strong protection for retail and other associated uses.

10.16 Paragraph 9.19 supporting Policy LP14 states that: *“Secondary shopping frontages have been defined on the basis that at least 40% of each frontage will typically be in A1 retail use at ground floor level with rental levels and pedestrian flow also being key considerations. Therefore a dominance of non-retail uses is considered to be over 60% of units... The policy for secondary frontages supports the wider function of Primary Shopping Area, but allows for a greater diversity of uses. The policy provides a more flexible approach to non-retail uses in these areas, but still ensures an appropriate assessment is carried out, and space for retail uses are provided in the area.”*

10.17 Given the above, an assessment is required into whether the loss of the retail use and its replacement with an extended car park would not compromise the role and function of the centre or have a detrimental impact upon the vitality and vibrancy of the Holmfirth Town Centre so as to evaluate whether the proposal is compliant with Policies LP13 and LP14 of the Kirklees Local Plan.

10.18 Holmfirth Town Centre has a good mix of main town centre uses with units selling food goods including 2 supermarkets, bakers, greengrocers, confectioners, units selling non-food goods such as clothes, cards and gifts, books, art, jewellery, retail services such as health & beauty, hairdressers, travel agents, other offices and a variety of cafés, bars and restaurants.

- 10.19 Holmfirth Market is held on a Thursday and Saturday with stalls selling food and non-food goods and supports the town centre offer. However, Kirklees Planning Policy do not consider its loss to be so significant that it would compromise the role and function of Holmfirth Town Centre as a whole, and Officers therefore hold the view that a replacement non-retail use could potentially be acceptable. To add to this, whilst the proposal would result in the loss of a retail unit along the secondary frontages on the south east of Hollowgate and north west of Huddersfield Road, the majority of the units along both of these secondary frontages would remain in retail use (~70% and ~82% respectively), therefore it is considered that the proposal would not result in the dominance of non-retail uses along these secondary frontages, and KC Policy also hold this view.
- 10.20 In terms of the extended proposed car park and open space, Paragraph 9.17 of the Kirklees Local Plan notes that other non-shopping uses can play an important role in supporting the experience of visiting town centres, and the vibrancy of these centres.
- 10.21 The Planning Statement submitted alongside the application outlines the proposal would result in a similar amount of activity to the existing use, with the majority continuing to take place during main business hours. The Planning Statement goes on to state that the proposed extended car park will also complement adjoining businesses in that it would re-open Hollowgate back up to Huddersfield Road thereby drawing up additional footfall (and expenditure), it will introduce a number of public realm improvements and make them more attractive to customers and visitors, and it will provide additional town centre car parking and this will help attract additional expenditure and enhance the overall vitality and viability of the town centre.
- 10.22 Officers are in agreement that the car parking would provide a complementary facility to Holmfirth Town Centre, supporting it to be attractive to shoppers, employers and tourists, and KC Planning Policy support this view. Officers also agree that the proposal would improve pedestrian accessibility with the creation of two new pedestrian routes between Hollowgate and Huddersfield Road thereby helping to support existing businesses within the town centre. As noted above, Policy 8 (criteria 1) of the HVNDP states that new development should complement existing provision and ensure that centre offer provides a range of uses appropriate for the relevant type of centre. Policy 8 (criteria 2) outlines that proposals should be designed to provide easy pedestrian access. Given the above, it is considered that the proposed development would not compromise the viability and vitality of Holmfirth Town Centre, or its role and function, and that the proposal would complement existing town centre provision.
- 10.23 Given the above, the proposal is considered to be in accordance with Policies 13 and 14 of the Kirklees Local Plan, Policy 8 (1) of the HVNDP and Chapter 7 of the NPPF.

In relation to Criteria (2) and (5) of Policy 8 of the HVNDP, these also relate to highways safety and heritage respectively, and will be assessed in greater detail within the sections titled 'Highway Safety' 'Visual amenity (including impact upon historic environment)' of this report.

Acceptability of the Loss of a Community Use

- 10.24 Paragraph 93 of the NPPF states that to provide social, recreational and cultural facilities the community needs, planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 10.25 In addition, Policy LP48 relates to community facilities and services. It states that proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:
- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
 - b. its current use is no longer viable; or
 - c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
 - d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
 - e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.
- 10.26 Policy 9 of the HVNDP (Protecting and Enhancing Local Community Facilities) states that: *“Community facilities of value to the local community as listed in paragraph 4.7.10 will be protected and retained for community use. Development or change of use proposals involving their loss will be managed in accordance with Kirklees Local Plan Policy LP48.”* Market halls are listed in Paragraph 4.7.10 as a community use.
- 10.27 Further to this, Paragraph 86 of the NPPF states that planning policies should retain and enhance existing markets. It is acknowledged that the development plan does not have such a specific policy regarding markets, but that the NPPF looks to support markets.
- 10.28 The Planning Statement submitted alongside the application includes a Community Facilities Assessment to address Policy LP48 of the Kirklees Local Plan. The assessment considers each of the criteria set out in Policy LP48, but the application only needs to meet one of the criteria a to d. Holmfirth Market Hall is not listed as an asset of community value.
- 10.29 In terms of LP48(a), the assessment refers to the unsuitability of the building in terms of design, layout and functionality for current day commercial and community uses and that substantial funds are needed to improve/repair it. Of note, the assessment refers to the lack of dedicated loading bays, lack of internal and external storage space, poorly configured layout, limited refuse storage capacity and no dedicated parking. It is noted that a number of third parties have stated that funds would be better spent on repairing the building and that an alternative use for the building should be found. These concerns are acknowledged, and no evidence has been provided to show that the substantial funds are required to repair this building (and that to repair and improve the building is unviable). In addition, alternative community uses do not appear to have been given great discussion in the Planning Statement. Instead, the Planning Statement sets out that the building does not owe itself to other community uses.

10.30 Moving to Policy LP48(b), the Planning Statement makes reference to the fact that the landowner (Kirklees Council) has determined that it is no longer viable to use the building as a Market Hall, community use or town centre use. It states that the investment necessary to repair, improve and maintain the building to accommodate a community or retail use is neither a viable nor appropriate use of public funds. However, no further details are provided in terms of the investment needed in relation to the potential for other community or town centre uses for the building. However, it is noted that a Council Cabinet Committee Report (30th January 2018) highlights that Holmfirth Market has been underperforming for a number of years, and as a consequence the Planning Statement concludes that the closure will have a minor impact on Holmfirth.

10.31 With regard to Policy LP48(c), a table and map are provided in the Planning Statement, which identifies the location of markets in Kirklees and neighbouring authorities. However, these are not in the Holme Valley locality and not in an equally accessible location. Notwithstanding this point, whilst there is not a market facility within the locality, there are a number of other retail uses within the immediate vicinity which offer not-to-dissimilar goods to the market (for example fresh food and clothing), especially given the town centre location. Thus, it is considered that there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location. Criteria (c) of Policy of Policy LP48 is therefore considered to be complied with.

10.32 In relation to Policy LP48(d), the Planning Statement highlights that the licence for a new market hall facility in Holmfirth has been put out to tender and that subject to a successful tender process a new market could be operating in the not-too-distant future. KC Policy have stated on the understanding that this alternative provision is provided within Holmfirth Town Centre, then they consider the proposal to be in accordance with Policy LP48 of the Kirklees Local Plan and Policy 9 of the HVNDP. Following the submission of this planning application, the license to operate the market was secured by Holmfirth Forward in December 2021. Holmfirth Forward are actively looking at locating and agreeing on a suitable venue within Holmfirth Town Centre and it is estimated there the alternative market will be running next year. KC Markets also noted that future of the market is assured by the granting of the licence.

10.33 Given the above, Officers consider that the proposal complies with Policy LP48 of the Kirklees Local Plan and Policy 8 of the HVNDP.

10.34 However, the acceptability of the proposal is subject to other considerations which this report assesses in detail as follows: -

Visual amenity (including impact upon historic environment)

10.35 The site is within Holmfirth Conservation Area and within close proximity to Grade II listed buildings. On the opposite side of the River Holme to the south of the site are the Grade II listed buildings on Hollowgate.

10.36 Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that 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.

10.37 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

10.38 Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

10.39 Furthermore, Policy LP35 states that: *“Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

10.40 In addition to the above, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

10.41 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

10.42 Policy LP13 states that within defined Centres all proposals shall conserve and enhance the local character, heritage, green spaces and the public realm where appropriate.

10.43 Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) relates to protecting and enhancing the landscape character of Holme Valley, and states that: *“All development proposals should demonstrate how they have been informed by the characteristics of the Landscape Character Area (LCA) in which they are located”*. The Policy goes on to note that proposals should be designed in accordance with the character and management principles in respect of landscape set out for each LCA in order to avoid detrimental impact on the LCA. This Policy also notes that a full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings. Policy 1 (3) states that boundary treatments should be sensitive to the relevant Landscape Character Area.

10.44 Policy 2 (1) of the HVNDP relates to protecting and enhancing the built character of the Holme Valley and promoting high quality design. Policy 2 notes that proposals should be designed in accordance with the management principles for each LCA in respect of built character in order to avoid detrimental harm to the LCA.

10.45 In respect of Policies 1 and 2 of the HVNDP, the site is identified as being within LCA 4 (River Holme Settled Valley Floor). In terms of landscape, the HVNDP notes that key character management principles for this LCA are:

- Ensure new development respects framed views from the settled floor to the upper valley sides and views across to opposing valley slopes and views towards the Peak District National Park.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRoW to promote access and consider opportunities to create new links to existing routes particularly physical and visual links to the River Holme.
- Consider opportunities through major developments to provide interpretation of the historic industrial role of the river and mill ponds within the local landscape.

10.46 In terms of the built character, the HVNDP states that the key character management principles for this LCA are:

- Regard should be had to the key characteristics that give these areas their distinctive character and should respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.
- Strengthen local sense of place through design which reflects connections to past industrial heritage related to each settlement including through retaining or restoring mill buildings and chimneys
- Consider replacing asphalt and concrete with traditional surfacing such as stone setts and cobbles.

10.47 Policy 2 (2) of the HVNDP also states that: *“New developments should strengthen the local sense of place by designing the site layout to respect the existing grain of development in the surrounding area and through use of local materials and detailing,”* and that: *“Designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting.”* Policy 2 (3) outlines that watercourses and internal boundaries at sites should be retained and incorporated into the design. Policy 2 (8) also states that: *“Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment,”* whilst Policy 2(4) states that the use of traditional materials and design will be supported, but contemporary design and materials will be supported where the distinctive character of the area is enhanced. Policy 2 (6) outlines that design should promote inclusivity and accessibility for all. Policy 2 (7) states that new development should make a positive contribution towards the public realm.

10.48 Policy 5 of the HVNDP is relevant as it relates to promoting a quality public realm and notes that such development should be of high-quality design and sensitive to the visual appearance of the streetscene, take opportunities to enhance or open up views towards existing locations of interest, and prioritise pedestrians and then cyclists, providing seating and safe accessible routes for all. Policy 11 (11) of the HVNDP outlines that parking areas should be designed sensitively and use suitable materials which are sympathetic to the character of the local area. Proposals should also aim to maximise accessibility for all groups through careful and considerate design.

- 10.49 It is proposed to remove the existing market hall building, which sits within Holmfirth Conservation Area. The building is not recognised as a positive contributor to the Holmfirth Conservation Area within the HVNDP. It is noted that there is third party concern with the removal of this building from a heritage point of view, as well as third party support for the removal of this building.
- 10.50 The Market Hall was built as a chapel in the mid-late 19th Century and the original external form of this building partially survives, including the coursed stone south-west elevation and a remnant of the original façade which faces Huddersfield Road where a historic doorway is still evident. In the mid-20th century, the building became a bus depot and in more recent years it was used as a market hall. KC Conservation have stated that although original remnants survive, the subsequent alterations, demolitions, and extensions have resulted in a building which is now barely recognisable as a chapel, with most of the façade demolished and a hipped roof built in place of the original gabled roof. Officers agree with KC Conservation about the amount the building has changed over the years.
- 10.51 On the Hollowgate elevation, a lightweight glazed timber framed extension and concrete bridge have been constructed over the river, and KC Conservation consider that these make a negative contribution to the character of a street where the buildings and boundary features are predominantly constructed in natural stone. Of note, the Holmfirth Conservation Area Appraisal outlines that the glass and sheet metal of the lower market hall are unattractive and negatively impact upon the conservation area.
- 10.52 KC Conservation note that in its current form, the surviving original elements of the building make a slight positive contribution to the character of the conservation area as remnants of the historic detailing survive. However, KC Conservation and Officers agree that extensive 20th Century alterations, demolitions and extensions have greatly reduced its legibility and many of the later elements detract from the character of the Holmfirth Conservation Area.
- 10.53 The revised Heritage Statement submitted alongside the application discusses the Holmfirth Market building in some depth and makes reference to the alterations to the building over time. This Heritage Statement concludes that the lower market hall building is a harmful feature within the conservation area, whilst the upper market hall is seen as a neutral feature, and thereby the building is of no historic or architectural significance. However, given the survival of some historic elements of the building, KC Conservation have concluded that the demolition would cause 'slight harm' to the significance of the Holmfirth Conservation Area. Historic England in their initial response to the LPA noted that that the building is not completely lacking historic or architectural interest.
- 10.54 Officers agree with KC Conservation in respect of the contribution this building makes to the significance of the Holmfirth Conservation Area, and that its loss would cause less than substantial harm to the significance of this conservation area, with this harm being slight. However, the building has been subjected to a lot of change and it is considered that the building has lost quite a significant amount of its architectural and historical interest.

- 10.55 KC Conservation hold the view that the existing car park on Huddersfield Road makes no contribution to the character of the conservation area and Officers concur. Officers hold the view that the redevelopment of this space as a car park will not cause harm to the significance of the conservation area subject to appropriate design. The proposal to extend the car park, whilst increasing the amount of hard surfacing, would help open up attractive views of the hillside and mills from Huddersfield Road, as well as enhance the views of the river and listed buildings on Hollowgate. Thus, it is considered that the principle of extending this car park could also be acceptable subject to suitable design.
- 10.56 Part of the proposal includes a new widened bridge over the River Holme and creating pedestrian open space adjacent to the river as well as access between Hollowgate and Huddersfield Road. It is noted a third party has raised concerns with covering up the river further with a larger bridge. However, the increase in the width of the bridge would be relatively modest (~3 metres) and Officers consider the proposal as a whole would improve pedestrian access in the area and to the river and would create a more pedestrian friendly area. Of note, Policy LP47 of the Kirklees Local Plan outlines that high quality open spaces will help enable healthy, active and safe lifestyles. Given this, in principle, Officers consider a new widened bridge and pedestrian area to the south of the site should prevent harm to the significance of the conservation area, but this is subject to the design. Of note, in relation to development within the Holmfirth Conservation Area by the riverside, the HVNDP refers to the Holmfirth Conservation Area Appraisal and this advises maintaining views and improving access to the river, as well as improving the style, materials and painting of the footbridges.
- 10.57 A number of retaining walls are proposed throughout the site, for instance between the higher and lower level of the redesigned car park, for the ramp and to the side of the proposed west pathway. Natural stone is proposed for these walls which is considered acceptable in principle, but this is subject to samples of the stone to be used being submitted to the LPA for written approval.
- 10.58 The retaining wall between the lower levels of the car park is considered to be relatively modest and it is considered that such a wall would not appear as a peculiar feature within the locality. The walls serving the ramp to the car park would face the proposed new widened bridge and Hollowgate, and there is the risk that such a wall could appear slightly utilitarian. However, the doors for the bin store include a wavy design (somewhat in keeping with railing designs in the locality), and this is considered to add some visual interest. In addition, bins are currently stored on the existing bridge and this is considered to create an eyesore from Hollowgate, therefore the proposed bin store would help provide a visual enhancement with removing such clutter.

- 10.59 In terms of the retaining wall to the west and the boundary wall on the west side boundary, which would help form a new footpath along this boundary, these would not be jarring features from the highway given their siting to the side of the site and overall height. The west side boundary wall would also drop in height taking into account the topography of the site. However, the proposed footpath would be enclosed by two relatively high walls, especially further towards the south. Whilst this path may improve accessibility, Officers do not consider its enclosure to be a highly desirable feature and this could potentially create an oppressive environment for users of this path. That being said, a motion detection column mounted luminaire is proposed along this path to eliminate shadows.
- 10.60 In terms of the proposed surfacing materials, the proposal would result in a reduction in the amount of tarmac where the existing car park sits, and block paving is proposed for the bays which will help provide a more visual interest. It is recommended further details of the paving be conditioned to ensure it is sympathetic to the character to the area. That being said, Officers and KC Conservation have concerns with the use of PCC block paving on the open space/new widened bridge area and feel that this would not reflect the local character. Officers hold the view that the use of natural stone would be preferable to reflect local character and to provide a more consistent approach with the town centre. Notwithstanding the proposed materials for the new widened bridge, it is considered necessary to request revised materials of the new widened bridge as a condition so as to reinforce local distinctiveness, especially if resin is proposed on the ramp, and the applicant's agent has raised no objections to such a condition.
- 10.61 In terms of walls and fencing, stone walls and railings are proposed around the site, concerns were raised about the number of railings across the site, and stone was also advised for some walls given that stone is a predominant material for boundary treatments in the area. Following this, revised plans were submitted which replaced the railings along the bridge and southern boundary of the site and replaced them with a combined stone pillar/rail treatment, and this is considered to enhance the scheme. Details of the stone and coping for the stone walls are recommended as conditions. Further to this, the proposed railing design around the site follows the theme in the town centre, with straight and wavy railings a common traditional design in the area.
- 10.62 A stone wall along the Huddersfield Road boundary has been advised instead of railings to reduce the impact of parked cars and help emphasise views through the conservation area and views of the hillside and mills. Details of a revised means of enclosure adjacent Huddersfield Road could therefore be conditioned and the applicant's agent has raised no objections to such a condition.
- 10.63 In terms of soft landscaping, some planting is proposed on the site. Of note, soft landscaping is not currently provided at the existing car park. Whilst Officers feel more soft landscaping would have helped soften the scheme further, they consider that the amount of soft landscaping is acceptable.
- 10.64 The amount of street furniture proposed is considered to be appropriate so as to prevent the site appearing cluttered. In addition, the bins would help prevent litter on the site, whilst the benches would help the development in becoming pedestrian friendly. The Planning Statement includes an appendix with details of benches, cycle stands, planters, bollards and bins, but the appendix is not

specific with certain furniture (for example, a range of bollards are provided). Full design details of street furniture can be conditioned, including details of materials to be used, and this is to ensure that the street furniture is in keeping with the design of the town centre.

10.65 The plans display a GRP Enclosure (including metering, fuse cut offs and water pumps) measuring a height of 1.6 metres proposed adjacent to Huddersfield Road. Officers believe such a feature would be relatively prominent given its siting adjacent to the highway and it would likely appear as a somewhat uninspiring structure, and is therefore considered to be unfortunate. The applicant has noted that the scale of the GRP Enclosure is the 'worst-case scenario' and full design details of such a feature would therefore be required by condition. Officers consider this structure further justifies the use of stone walling to the front of the site rather than railing, as the stone will help to screen parts of this (albeit not all of it if it is to be 1.6 metre in height).

10.66 Given the above, subject to conditions, it is considered that the proposed redeveloped and extended car park, and new widened pedestrian bridge and pedestrian area would not cause detrimental harm to the visual amenities of the locality, nor would they cause harm to the significance of the Holmfirth Conservation Area or nearby listed buildings (and their setting). Nonetheless, as noted above, it is considered that the loss of the existing Holmfirth Market Hall building would cause less than substantial harm to the significance of this conservation area, with this harm being slight. However, the loss of this building is not considered to cause harm to the significance of the Grade II listed buildings to the south.

10.67 As outlined in Paragraph 202 of the NPPF and Policy LP35 of the Kirklees Local plan, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

10.68 The scheme is considered to provide a number of public benefits which are listed below, and these are considered to clearly outweigh the slight harm to the significance of the Holmfirth Conservation Area identified:

- Creation of a pleasant pedestrian friendly open space.
- Removal of later additions to the market hall on Hollowgate which have a negative effect on the significance of the Holmfirth Conservation Area.
- Under-croft bin storage which will remove unattractive clutter from the street.
- Enhanced connectivity/pedestrian accessibility between Huddersfield Road and Hollowgate, as well as better access to the River Holme. Policy LP47 of the Kirklees Local Plan outlines that increasing opportunities for walking helps enable healthy, active and safe lifestyles.
- Enhanced pedestrian accessibility will also help to support existing businesses within the town centre.
- Significant improvements to the existing car park, including safer separate entrance and egress, increasing the overall provision, better spaced bays, safe cycle storage and electric charging points.
- Enhanced views of the river and listed buildings on Hollowgate from Huddersfield Road, as well as the hillside and mills.
- Additional parking would be a complementary facility to Holmfirth Town Centre, attractive to shoppers, employers and tourists.

10.69 Given the above, subject to conditions, the proposed development is considered to be in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Policies 1, 2, 5, 8, 11 of the HVNDP and policies within Chapters 12 and 16 of the NPPF.

Residential amenity

10.70 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.

10.71 In addition to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.72 Paragraph 185 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

10.73 Policy 2 (10) of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

10.74 Whilst the buildings to the south west of the site do have windows facing directly towards the site, these both appear to be in commercial use. Nonetheless, the proposal would result in the loss of the existing market building on the site (which had first floor windows on its south west wall) and the proposal would result in a lower wall along the south west side boundary. In terms of the buildings directly to the north east of the site, it appears that the ground floor of these are in a commercial use, and regardless of this, the redeveloped car park would not be set at a significantly higher level at the north east side than the existing car park. Given the above, it is considered that the proposal would not cause undue harm to neighbouring properties in terms of loss of light, loss of outlook, loss of privacy or overlooking, or the creation of an overbearing effect.

10.75 The level of activity on the site as a result of the expanded car park and opening up of the land for public use could potentially increase noise. However, as noted above, it would appear that the properties directly to the south west of the site are in a commercial use, as are the properties directly across Huddersfield Road. Further to this, whilst there are residential properties to the north east of the site, the existing car park is already adjacent to the north east boundary of the site, therefore it is considered that the proposed expansion of the car park (including 3 additional spaces) is unlikely to cause additional undue harm to living environment of these properties in terms of noise nuisance. The car park element is also considered to be of a sufficient distance away from properties to the south to prevent undue harm to their living environment in terms of noise nuisance. It is considered that the use of the bridge as a form of open space is unlikely to result in materially greater level of noise experienced in the area too.

- 10.76 A lighting strategy report has been submitted alongside the application. This report advises that the application site is within Environmental Zone E3 i.e. a suburban surrounding where background ambient light levels are expected to be of medium district brightness. As noted by KC Environmental Health (EH), the proposal is considered in the report to be in compliance with an E3 zone.
- 10.77 Lighting is proposed in the car park and footway areas of the development. 2 no. of column-mounted luminaires, not exceeding 10 metres height above ground level, will illuminate the car park area. In addition, 1 no. of column-mounted luminaires, not exceeding 10 metres height above ground level, will illuminate the adjacent footpath. Between 22:00hrs and 05:00hrs the lights will be dimmed.
- 10.78 Horizontal and vertical grid calculations have been provided to show the predicted lighting levels on the ground and facades adjacent to the car park. The full lighting levels (dusk – 22:00hrs) are provided and show the horizontal illuminance of the luminaires with 10 lux and 5 lux contours. KC EH note that these are within the threshold values for an E3 zone. In Appendix 2, several indicative vertical light spill diagrams at full lighting levels (dusk to 22:00hrs) are provided. These show the predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity. KC EH note that these are also within the threshold values for an E3 zone.
- 10.79 Concerning the control of lighting, the luminaires serving the car park are to be controlled by a 20/20 lux photocell to ensure switch on at dusk and switch off at dawn. Whereas the lighting for the footpath will be controlled by a PIR motion detection system. Alongside the photocell and PIR systems, one luminaire serving the car park is to be fitted with deep shield to reduce stray light onto the river at the Eastern side of the bridge.
- 10.80 KC Environmental Health have stated that they accept the report and are satisfied with the information provided and consider a condition is necessary to ensure any external artificial lighting is installed in accordance with the details provided and operated thereafter in accordance with the approved scheme. Thus, subject to a condition in relation to lighting, it is considered that the proposal would not cause undue harm to neighbouring properties in terms of light disturbance/nuisance.
- 10.81 Thus, in respect of residential amenity, Officers consider that the proposal would be in accordance with Policies LP24(b) and LP52 of the Kirklees Local Plan, policies within Chapters 12 and 15 of the NPPF and Policy 2 of the HVNDP.

Highways safety and access

- 10.82 Policy LP20 of the Kirklees Local Plan states that: *“New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car.”*
- 10.83 Policy LP21 of the Kirklees Local Plan states that: *“New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.”*

- 10.84 The proposal for car parking needs to be assessed against Policy LP22 of the Kirklees Local Plan which sets out that proposals should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.
- 10.85 Policy LP24 (f) states that proposals should promote good design by ensuring the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places. Policy LP13 also states that all proposals shall be inclusive for all users.
- 10.86 Policy 11(4) of the HVNDP states that: *“All development proposals should take opportunities to provide safe access to local streets, footpaths, and publicly accessible spaces for all users to help support healthier lifestyles and active travel.”* In addition, and as noted above, Policy 8(2) of the HVNDP states that proposals in town centres should be designed to secure easy pedestrian access and cycle and car parking to standard (including electric vehicle charging points), and that clear signage should be provided as well as facilities for the disposal of litter.
- 10.87 KC Highways Development Management has noted that the overall layout of the car park is acceptable, for example the parking spaces are considered to be of adequate size, clearance between bays is at least 6 metres and swept-path analysis of vehicles entering and existing bays has been provided.
- 10.88 In addition, KC Highways Development Management has stated that the proposal would make a number of significant improvements to the existing car park. KC Highways Development go on to note that as well as increasing the overall provision, the bays are better spaced, lighting is to be provided, safe cycle storage is to be installed, and two new pedestrian connections between Huddersfield Road and Hollowgate are to be introduced. Given this, KC Highways Development have raised no objections to the proposal subject to conditions. Given the above, Officers are content that the proposal would not cause detrimental harm to highways safety and Officers are of the view that the proposal would improve pedestrian accessibility.
- 10.89 In respect of Policy LP22 of the Kirklees Local Plan and acknowledging third party concerns that additional parking spaces would not be encouraging more sustainable modes of transport, the proposal would only result in a net increase of 2 bays in comparison to the car park already at the site. In addition, the scheme under this application is part of a wider Holmfirth Town Centre Access Plan (HTCAP), which seeks to restrict parking on nearby highways (so as to improve the flow of traffic through Holmfirth). As noted above too, it is considered that the parking will help facilitate businesses within the town centre, as well as serve visitors to the town centre.
- 10.90 Three cycle stands are proposed on the new widened bridge. Whilst the Highways Design Guide SPD does not provide guidance on the number of cycle spaces provided and the number of cycle stands is considered to be relatively low, the current site does not provide any cycle parking therefore Officers consider the quantity of cycle parking to be acceptable.

- 10.91 Two disabled bays are proposed and this is considered to be in accordance with British Standards for disabled parking. The number of Electric Vehicle charging points proposed (3) is considered to be in accordance with the standards within the West Yorkshire Low Emission Strategy which requires a standard Electric Vehicle Charging Point (ECVP) for at least 10% of the parking spaces for non-residential development. Whilst the comments of a third party are noted in relation the lack of motorcycle parking, the existing car park does not offer such provision and there is no policy requirement to provide such parking.
- 10.92 It is noted that third parties have raised concerns that the proposal would increase traffic in area which is already busy. However, as noted above, the proposal would only result in a net increase of 2 spaces at the car park and this application is part of a wider HTCAP, which seeks to restrict parking on nearby highways (so as to improve the flow of traffic through Holmfirth). Therefore, it is considered that the proposal is unlikely to materially increase traffic within the locality.
- 10.93 Of note, concerns and comments have been raised by third parties in relation to the wider HTCAP, including 2 way traffic along Hollowgate and pelican crossing positioning, but this does not form part of this application.
- 10.94 KC Highways Structures have recommended that a condition is attached requesting a scheme detailing the proposed design and construction details for the new widened footbridge carrying the widened pedestrian access over the River Holme including any modifications. This can be conditioned should permission be granted.
- 10.95 Given the above, subject to conditions, Officers consider that the proposal would prevent detrimental harm to highways safety and the proposal would be in accordance with the aforementioned policies.

Ecology

- 10.96 The site is adjacent to a Wildlife Habitat Network (the River Holme), is within the Holme Valley Strategic Green Infrastructure Network and is covered by a bat alert zone.
- 10.97 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.98 Policy LP30 of the Kirklees Local Plan and Policy 13 of the HVNDP echo the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Policy LP30 also states that proposals will be required to safeguard and enhance the function of and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated in the long term.

- 10.99 Policy LP31 of the Kirklees Local Plan states that the development proposals within the Strategic Green Infrastructure Network should ensure the protection and enhancement of biodiversity and ecological links.
- 10.100 A Preliminary Ecological Appraisal (PEA) has been submitted alongside this application. In terms of birds, amphibians, riparian mammals, crayfish and the brown trout, it is concluded further survey work is not required.
- 10.101 In terms of bats, the PEA outlines that the building and retaining wall provide potential roosting opportunities for bats, and survey work in June 2021 has confirmed the use of the site for roosting. The PEA also states that the river corridor provides foraging and commuting opportunities and is likely to be essential for populations using it. The PEA notes that further surveys to determine the use of the wall within the hibernation period, and status of roosting bats within the market hall and retaining wall were carried out. A further survey confirmed the presence of a small common pipistrelle day roost. The PEA states that demolition of the roost building will require derogation by a Natural England Licence, and that further survey work will be required to support a licence application. Emergency surveys have confirmed up to moderate levels of bat activity focussed along the river corridor and within off-site courtyard adjacent to the west. The PEA outlines any additional lighting must be directed away from this habitat to ensure its continued use post development.
- 10.102 A biodiversity metric calculation was carried out and is included within the PEA. KC Ecology note that as this is not a major application, net gain is not expected to be demonstrated via metric calculations at the moment (although it is welcomed). Of note, West Yorkshire Ecology Service have requested that the metric is used, but as noted, this is not a requirement the LPA could insist upon for this application. Despite this, the submitted biodiversity management plan does not refer to the baseline metric calculations, and focusses solely on faunal enhancement. The measures proposed within the management plan include a bird box, bat boxes (under the bridge), bat shelters on river walls and bee boxes. KC Ecology note that whilst they agree with the enhancements proposed, it would be advantageous for there to be a biodiversity net gain in habitat along the river or in the condition of the river itself, particularly as the River Holme is part of the Kirklees Wildlife Habitat Network. KC Ecology note that this does not need to be quantified using the metric, but interventions such as riparian planting to enhance the existing bankside vegetation should be considered to provide a net gain in habitat and enhance the connectivity of the Kirklees Wildlife Habitat Network.
- 10.103 Following these comments, riparian planting has been proposed to the northern riverbank to increase the amount of biodiversity enhancement provided by the scheme and Officers are satisfied with this.
- 10.104 KC Ecology have also noted that sufficient compensation has been proposed for the roost, but that there are some residual concerns that the lighting proposed will cause significant light spill onto the River Holme, particularly around the entrance to the bridge, which is where bats are accessing the existing roost and any further roosting features provided. It has been stated that the temperature of the lighting has been specified to reduce impacts on bats however it is indicated to be 4000k, and KC Ecology note this to be a warmer temperature than is advised (<3000k). It is also stated that a baffle is to be used on one of the

lighting columns to restrict light onto the eastern portion of the river, but KC Ecology note the horizontal lighting contours have not been updated to reflect this and there are levels of at least 10lux predicted on the river. As consequence, KC Ecology have noted that the contour plans should be updated to reflect this inclusion, and that if the lighting levels are still unacceptable, further options should be considered. The comments of the Ecologist are acknowledged, but the lighting strategy displays that the baffle is estimated to cut off light at a 10 metre radius from the light source, which will effectively cut off all light onto the eastern side of the river. The lighting proposed is therefore considered acceptable.

- 10.105 Subject to the development being in accordance with measures the within the Biodiversity Measurement Plan and planting plan, Officers consider that the proposed development is unlikely to cause harm to protected species and would provide net gains. The proposal is therefore considered acceptable from an ecological perspective.

Trees

- 10.106 Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Policy LP33 goes onto note that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Policy LP33 also states that proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction, and that where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

- 10.107 The proposed bridge deck will require the removal of small trees from the river side. KC Trees note that the impact of this is not considered to be significant to the character of the Conservation Area. The proposals will not impact on trees elsewhere in the scheme.

- 10.108 The proposals include the planting of a small number of trees. KC Trees have noted that whilst the scheme includes limited tree planting, it has a minimal impact on existing trees. However, in terms of proposed trees, KC Trees appeared to comment on the overall HTCAP plans, which goes beyond the proposals in this application. Overall, whilst Officers feel more tree planting would have helped soften the scheme further, they do feel the amount of tree planting proposed is acceptable. Further to this, KC Trees have raised no objections to the proposal.

Flooding, drainage and the water environment

- 10.109 Paragraphs 159-169 of the NPPF and Policies LP27 and LP28 of the Kirklees Local Plan relate to drainage and flood risk and, amongst other things, state that inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.

- 10.110 Most of the site is located within Flood Zone 1, but some of the site (south west and south east) is within Flood Zone 2 (medium risk of flooding) and a small section is within Flood Zone 3 (high risk of flooding).
- 10.111 Given that the site is partially within Flood Zones 2 and 3, and that the proposal is for an extended car park with the creation of open space, the sequential test needs to be applied to establish whether there are other reasonably available sites for the proposed development in areas with a lower probability of flooding.
- 10.112 As noted in the PPG, the sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding (i.e. Flood Zone 1).
- 10.113 As noted within the PPG, the sequential test will be defined to local circumstances relating to the catchment area for the type of development proposed. Given that a large proportion of the proposal is to provide town centre parking, it is considered that the area to apply the sequential test is Holmfirth Town Centre.
- 10.114 The PPG states that when applying the sequential test, a pragmatic approach on the availability of alternative sites should be taken. The Planning Statement provides an assessment of extending existing car parks within the Holmfirth Town Centre, but due to land ownership and geographical constraints it is noted that it is not possible to extend these further. In addition, any available sites not currently in a car parking use, will most likely require the demolition of traditional buildings within the conservation area and will likely pose challenges from a highways safety perspective. In addition, the proposal is seeking to increase pedestrian connectivity within this part of Holmfirth Town Centre. It is therefore considered that the proposal passes the sequential test.
- 10.115 Table 2 of the PPG displays five different flood risk vulnerability classifications, but car parks are not specifically listed with any of these classifications. That said, it is considered that a car park would most likely fall within the 'less vulnerable' classification. It is therefore considered that the exception test would not be required for this less vulnerable development in Flood Zones 2 and 3a when referring to Table 3 of the PPG (Flood Risk Vulnerability and Flood Zone 'Compatibility').
- 10.116 As the site is partially within Flood Zone 2 and 3, a Flood Risk Assessment (FRA) is required. Such a document was submitted alongside the application.
- 10.117 The Environment Agency were consulted, and initially objected on the basis that they did not consider the FRA to be acceptable as submitted. Of note, the Environment Agency noted that this FRA failed to:
- Assess the flood risk from all sources taking into account climate change.
 - Demonstrate justification for building over the water course.
 - Indicate any flood risk mitigation required for all sources of flood risk taking into account climate change.

- Assess the requirements for compensatory storage taking into account climate change to ensure no increase in flood risk or transfer of flood risk to others.
- Assess the impacts of climate change on access and egress for the site and consider the requirement flood emergency planning including flood warning and evacuation.

10.118 In addition, the Environment Agency objected due to insufficient information to know whether the proposal can meet the Environment Agency's requirements for nature conservation/fisheries/ecology and physical habitats because no assessment of the risks have been provided. The Flood Risk Assessment makes reference to physical works to the river and river bed, and the Environment Agency required more detail of the works and noted that a Water Framework Directive (WFD) assessment may be required.

10.119 Following these concerns raised by the Environment Agency, additional information was submitted by the applicant's agent (including an addendum to the FRA). Despite this, the Environment Agency maintained their objection. Of note, the Environment Agency stated that whilst this information addressed a number of the points raised in their initial response, it did not address all of them and further information was therefore required. Of note, the Environment Agency stated that the FRA failed to:

- Assess the flood risk from all sources taking into account climate change.
- Indicate any flood risk mitigation or compensatory storage required, taking into account climate change, to ensure no increase in flood risk or transfer of flood risk to others.
- Demonstrate justification for building over the watercourse.

10.120 In addition, the Environment Agency stated that the applicant had not addressed their comments in relation to WFD compliance and stated that they considered it necessary for the applicant to demonstrate the development is WFD compliant.

10.121 After this, the applicant's agent arranged a meeting with the Environment Agency, and following this a revised FRA was submitted including a WFD assessment, as well as amended plans.

10.122 Following the submission of these plans, the Environment Agency has noted that they are able to withdraw their objection on flood risk grounds, but that the development will need to be carried out in accordance with the submitted information including the FRA and the mitigation measures they detail. This can be conditioned.

10.123 The Environment Agency have also removed their objection in relation to the absence of a WFD (Water Framework Directive) assessment as such an assessment has been submitted. The Environment Agency have noted that they agree with the conclusions of the WFD assessment, and note that provided the mitigation and recommendations of the assessment are adhered to, the proposal is unlikely to result in the deterioration of the water body status. Of note, the proposed development will not involve any removal or disturbance of existing in-channel sediment.

10.124 In terms of evacuation, the submission indicates that safe access and egress can be achieved at the design flood level and this is considered acceptable.

- 10.125 In terms of drainage, it is proposed to discharge surface water from the new development to the River Holme at a rate of 12.1 l/s, which is a 30% betterment of existing flows, which the KC Lead Local Flood Authority (LLFA) consider acceptable in principle. KC LLFA have requested additional drainage details as conditions, but subject to these conditions they have no objections to the proposal.
- 10.126 Policy LP27 of the Kirklees Local plan states proposals involving building over existing culverts or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure and that there will be no detrimental effect on flood risk or biodiversity.
- 10.127 The proposed building works to the car park are above an existing culvert, but the proposed works to the bridge are not considered to be an enclosed culvert (it would be an enclosed bridge span replacing an existing bridge of a relatively similar size). Given that building works to the car park are above an existing culvert, and that it is considered this is not providing 'essential infrastructure' or is 'in the interests of public safety', it is considered that there is conflict with Policy LP27. That being said, this culvert is already beneath a car park and the existing situation in respect to the culvert would not be significantly altered as a result of the proposed development. In addition, the proposal is not considered to cause detrimental harm to biodiversity and it is considered that the proposal would not increase the flooding risk.
- 10.128 Whilst there is considered to be conflict with LP27 by given that building works to the car park are above an existing culvert, it is considered that the public benefits of the scheme (listed in the 'conclusion' section below) would outweigh such policy conflict in this case.

Other matters

Land Contamination:

- 10.129 Policy LP53 of the Kirklees Local Plan states that: *“Development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment. For developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted.”* This echoes guidance contained within Chapter 15 of the NPPF.

10.130 An Environmental Desk Study has been received in support of the application. From the Phase I Report, it is apparent that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact upon the development and/or the environment. The report recommends an intrusive investigation. KC Environmental Health are satisfied with the Phase I Report. Following on from this, KC Environmental Health has stated that staged contaminated land conditions (intrusive investigation, remediation and validation of the site) are necessary, and these can be conditioned should permission be granted.

Climate Change:

10.131 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.

10.132 Policy 12 of the HVNDP states that all development is expected to be designed to contribute a number of elements of sustainability, including promoting renewable energy and energy efficient. This policy outlines that the requirements should be met unless it can be demonstrated that this would render the development unviable. That said, a number of requirements within Policy 12 of the HVNDP relate to new buildings so are not relevant to this proposal.

10.133 For non-residential developments, the West Yorkshire Low Emission Strategy requires a standard Electric Vehicle Charging Point (ECVP) for at least 10% of parking spaces. Thus, at least 2 of the bays would be expected to accommodate ECVPs, and 3 have been proposed therefore the quantity in this case is considered acceptable. A compliance condition can be attached securing these ECVPs and can specify their power (continuous supply of at least 16A to 32A).

10.134 The proposal would result in additional parking spaces, and the concerns of third parties are noted in relation to the point that more sustainable modes of transport should be supported in comparison to private car travel. Third Party concerns in relation air quality and carbon emissions are also noted. Of note, Policy LP51 of the Kirklees Local Plan outlines that development should not lead to an increase in air pollution which would have an unacceptable impact on the natural or built environment or to people. That being said, and as noted previously, the proposal would only result in a net increase of 2 bays in comparison to the existing car park at the site, and 3 of the bays would be electric vehicle charging points (the current car park does not have such provision). In addition, the scheme under this application is part of the wider HTCAP, which seeks to restrict parking on nearby highways (so as to improve the flow of traffic through Holmfirth) so as a result, parking would likely decrease in the immediate locality whilst traffic flows would improve (reducing the likelihood of idling

engines). Further to the above, some cycle parking is proposed. Given the above, it is considered that the proposal would not have a materially negative impact on air pollution, and the impact upon climate change is considered acceptable.

Crime Prevention:

10.135 Section 17 of the Crime and Disorder Act 1998 places a duty on each Local Authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 92 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Policy 24(e) of the Kirklees Local Plan also notes that the risk of crime should be minimised by enhanced security, the promotion of well-defined routes, overlooked streets and places, high levels of activity and well-designed security features.

10.136 Concerns have been raised by KC Crime Prevention in relation to the recessed footpath to the south west of the site. As noted above, Officers do not consider this to be a desirable feature and understand KC Crime Prevention's comments in relation to this. That being said, a motion detection column mounted luminaire is proposed along this path to eliminate shadows. Whilst an undesirable element of the proposal, it is considered that, on balance, this element is acceptable. It is noted that KC Crime Prevention have referred to installing gates to prevent public access on the footway, but such a measure would reduce the permeability of the site.

10.137 KC Crime Prevention have also noted that the ramp to the top should use appropriate paving techniques to prevent it being used by skate boarders, and further details of the ramp are recommended as a condition (this being by requesting further details of surfacing materials).

Waste:

10.138 Policy LP43 of the Kirklees Local Plan relates to the management of waste. Waste for existing businesses is currently stored in the open adjacent Hollowgate, but the proposal would allow bins to be securely stored under the ramp leading from the bridge to the car park. The bin store will house eight 1100l bins in a series of separate compartments, each of which will be locked when not in use. Such an arrangement is considered an improvement compared to existing by Officers, especially visually, and therefore acceptable.

Construction:

- 10.139 Policies applicable to the consideration of the proposal in terms of the construction phase of the development are detailed within the 'highway Safety' and 'Residential Amenity' sections of this report and it is not considered necessary to repeat them here.
- 10.140 It is noted that concerns have been raised by third parties in relation construction disruption in terms of nuisance, highways safety and disruption to nearby business. Holme Valley Parish Council have also requested measures to mitigate the above.
- 10.141 KC Environmental Health has stated that due to the proximity of residential and commercial properties to the site, they have requested a Construction Environmental Management Plan (CEMP), and this will help ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction noise, dust and lighting to safeguard nearby amenity. This can be secured by condition should permission be granted. The CEMP will be required to demonstrate discussions with local businesses and residents have taken place so as to help mitigate disruption during the period of construction.
- 10.142 Officers consider a Construction Traffic Management Plan (CTMP) could also be conditioned in the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents.
- 10.143 Subject to conditions, the proposal is considered to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 9, 12 and 15 of the NPPF.

Representations

- 10.144 45 letters of representation have been received, 30 of which raise objections, 3 of which raise general comments and 7 of which support the scheme. The comments raised have been mainly addressed in the above sub-sections of this committee report. However, Officers will now address any outstanding comments below:
- Third Party Comment: Underinvestment in current market which has resulted in it being under-utilised.
Officer Response: Whilst there is no evidence available to Officers to suggest this, the concern is acknowledged. Nonetheless, even if this were the case, it is considered that the proposal would still be in accordance with Policies LP13 and LP48 of the Kirklees Local Plan and Policy 8 of the HVNDP

- *Third Party Comment:* Concerns with loss of public toilets.
Officer Response: Whilst such concerns are acknowledged, public toilets do not constitute a community facility, and the toilets are not protected by planning policy, therefore the loss of the toilets is considered acceptable.
- *Third Party Comment:* Plans are unclear.
Officer Response: Further visualisations have been provided to help assist with understanding the proposal. The submitted information / plans is considered to be sufficient to enable the LPA to determine the application.
- *Third Party Comment:* A number of comments and concerns with elements of the Holmfirth Town Centre Access Plan outside the red line boundary.
Officer Response: The parts of the Holmfirth Town Centre Access Plan not included within the red line of the location plan are not being assessed under this application (i.e. they are not subject to this application).
- *Third Party Comment:* Height restrictor barrier is unattractive.
Officer Response: Officers agree this element was an unattractive feature and amended plans have been received omitting this element.
- *Third Party Comment:* The proposal would cut off direct street frontage for businesses to north east of the site.
Officer Response: Officers do not consider to this to be the case and that the situation would be similar to existing, with access to these businesses being achievable from the redeveloped car park.
- *Third Party Comment:* Not clear how the proposal would integrate with the future riverside walkways.
Officer Response: The proposal would provide a public area along the north side of the River Holme where this runs through the site, and this potentially offers the opportunity for future walking routes along this waterway.
- *Third Party Comment:* Would not result in a significant gain in parking spaces.
Officer Response: It is noted that the proposal would increase the number of spaces at the car park by 2, and parking restrictions are intended in the vicinity of the site. However, the proposal forms part of the wider HTCAP to help improve the flow of traffic through the town. The proposed layout would also lead to improvements to the existing car park, including safer separate entrance and egress, better spaced bays, safe cycle storage and electric charging points.
- *Third Party Comment:* Non-wheelchaired bound disabled will have problems getting to the lower level.
Officer Response: The proposal would provide a ramp with a gentle gradient between levels and Officers are satisfied this proposal would be accessible for those with disabilities.

- Third Party Comment: Lack of free parking for local residents.
Officer Response: It is noted that the car park is intended to be a short stay pay and display car park, but the current car park at the site is already a short stay pay and display and it is considered the proposal would not significantly alter the current parking situation in the town centre.

11.0 CONCLUSION

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

11.3 The proposal is considered to provide the following public benefits:

- Will lead to the creation of a pleasant pedestrian friendly open space.
- Providing enhanced connectivity/pedestrian accessibility between Huddersfield Road and Hollowgate, as well as better access to the River Holme. Policy LP47 of the Kirklees Local Plan outlines that increasing opportunities for walking helps enable healthy, active and safe lifestyles. The enhanced pedestrian accessibility will also help to support existing businesses within the town centre.
- Removal of later additions to the market hall on Hollowgate which have a negative effect on the significance of the Holmfirth Conservation Area.
- Providing under-croft bin storage which will remove unattractive clutter from the street.
- Will lead to significant improvements to the existing car park, including safer separate entrance and egress, increasing the overall provision, better spaced bays, safe cycle storage and electric charging points.
- Lead to enhanced views of the river and listed buildings on Hollowgate from Huddersfield Road, as well as the hillside and mills.
- Provide additional parking which would be a complementary facility to Holmfirth Town Centre, supporting it to be attractive to shoppers, employers and tourists.

11.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise. Whilst the proposal is not considered to strictly accord with Policy LP27 of the Kirklees Local Plan due to the fact it would result in building works above a culvert, it is noted the culvert is already beneath a car park and the existing situation in respect to the culvert would not be significantly altered as a result of the proposal. In addition, the proposal is not considered to cause detrimental harm to biodiversity, and it is considered that the proposal would not increase the flooding risk.

11.5 It is considered that in this case there are material considerations applicable to the consideration of this application, including those set out in paragraph 11.3, which outweigh the lack of compliance with part of Policy LP27 of the Kirklees Local Plan.

11.6 Having weighed up all submitted information and plans, third party representations, the response of consultees and Holme Valley Parish Council, subject to conditions this application is 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. Development shall be begun within three years of the date of the permission.
2. Development to be in complete accordance with plans and specifications (unless specified otherwise).
3. Submission of samples of stone to be used in stone walling (prior to the commencement of development above slab level).
4. Submission of details of coping of stone walls including samples (prior to commencement of development above slab level).
5. Notwithstanding the surfacing details submitted with the application, submission of full details of surfacing materials including samples (prior to the commencement of development, but excluding the demolition of the Holmfirth Market Hall building).
6. Notwithstanding the railings adjacent Huddersfield Road displayed in the submitted plans, submission of full design details of the means of enclosure adjacent to Huddersfield Road, including height, siting and materials. The means of enclosure should not exceed a height of 0.9 metre above the level of the adjoining highway and sightlines of 2.4 m x 43 metres shall be cleared of all other obstructions and shall be retained free of any such obstructions (prior to commencement of development above slab level).
7. Submission of full design details of street furniture, including bollards, seating, bins, bike stands and planters (prior to the installation of street furniture).
8. Submission of full design details of the utility box/GRP Enclosure (prior to the commencement of the installation of the utility box/GRP Enclosure).
9. Soft landscaping of the site in accordance with Planting Plan (Dwg No. HD/25/64051/GL-PR-LAP-04). The approved planting shall be planted during the first planting season following completion of the development hereby approved, and from its completion be maintained for a period of five years.
10. The car park shall be laid out and marked out into bays in accordance with the approved plans (prior to the site being brought into use).
11. Submission of details of ingress and egress signage, which shall be signed 'In' and 'Out', including location and appearance (prior to the site being brought into use).

12. Submission of scheme detailing surface water drainage, including maintenance and management plan for surface water infrastructure (prior to commencement of development).
13. Submission of assessments of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area in both directions (Prior to commencement of development).
14. Submission of scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity (prior to commencement of development, and subject to option 2 within the FRA be used (traditional with oil separator).
15. Development in accordance with FRA, drawings HD/25/64051/GL-LAP-05, HD/25/64051/GL-LAP-06, HD/25/64051/GL-02 Rev K and HD/25/64051/GA-01 and mitigation measures detailed (mitigation measures implemented prior to the site being brought into use).
16. Submission of scheme detailing the proposed design and construction details for the new widened footbridge including any modifications to the river retaining wall supporting Hollowgate (prior to the commencement of development).
17. Submission of a Phase II Intrusive Site Investigation Report (prior to commencement of development).
18. Submission of a Remediation Strategy if remediation is recommended in the Phase II Intrusive Site Investigation Report (prior to commencement of development).
19. Implementation of the approved Remediation Strategy.
20. Submission of Validation Report (prior to the site being brought into use).
21. Development in accordance with measures outlined within the Biodiversity Measurement Plan by Brookes Ecological dated 23rd July 2021 (ref: ER-5108-03) (prior to the site being brought into use) and riparian planting displayed in the planting plan (Dwg No. HD/25/64051/GL-PR-LAP-04) (riparian planting shall be planted during the first planting season following completion of the development hereby approved).
22. 3 electric vehicle recharging points with a continuous supply of at least 16A to 32A shall be installed within the car park hereby approved (to be installed and ready to use prior to the site being brought into use).
23. Submission of Construction Environmental Management Plan (CEMP) (prior to commencement of development).
24. Submission of Construction Traffic Management Plan (CTMP) (prior to commencement of development).
25. External lighting shall be installed in accordance with the details provided in the Lighting Strategy by Kirklees Council dated 30th July 2021 (ref: 30/7/2021) (prior to the site being brought into use).

Background Papers:

Application and history files:

[Link to application details](#)

Certificate of Ownership – Certificate A signed