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

**STRATEGIC PLANNING COMMITTEE**

**Date: 08-Dec-2022**

**Subject: Planning Application 2021/90800 Redevelopment and change of use of former mill site to form 19 residential units (within a Conservation Area) Hincliffe Mill, Water Street, Holmbridge, Holmfirth, HD9 2NX**

**APPLICANT**

M D One Ltd

**DATE VALID**

25-Feb-2021

**TARGET DATE**

27-May-2021

**EXTENSION EXPIRY DATE**

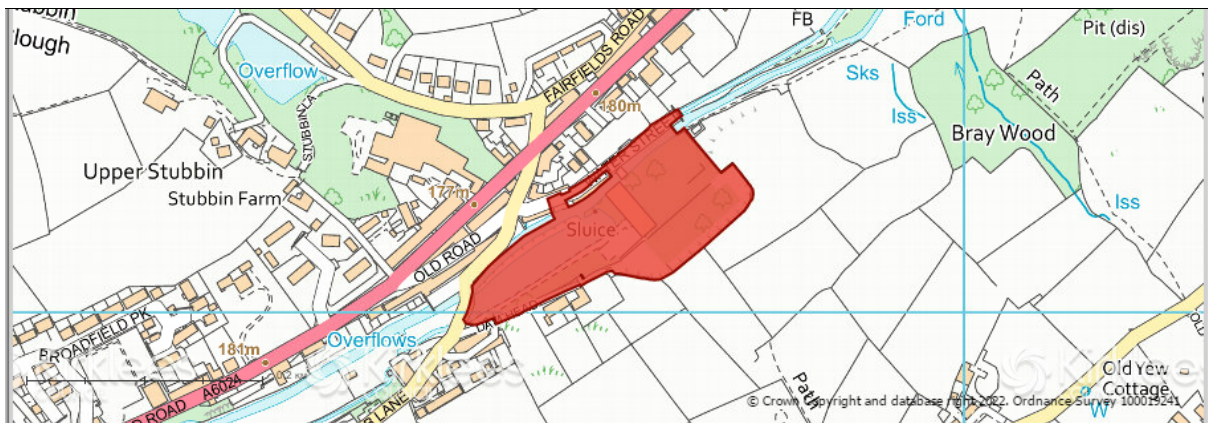
31-Jan-2023

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

[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Holme Valley South**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including, but not limited to, those contained within this report and to secure a S106 agreement to cover the following matters:

1. A financial contribution of £62,330 towards off-setting the loss of Biodiversity on the development site with supplementary management details in accordance with the Biodiversity Technical Advice Note
2. The provision of management companies for the purpose of maintaining shared spaces and drainage infrastructure serving the site.
3. To enter into a viability review no later than the point at which 75% of on-site units have been sold. The agreed developer profit is to be 15% of Gross Development Value and any profits in excess of this shall be paid to the council to meet identified planning policy contributions (Affordable Housing/Sustainable Travel/Public Open Space/ 10% BNG).

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

**1.0 INTRODUCTION:**

- 1.1 The full planning application detailed in this report and submitted before Strategic Planning Committee is for a residential development of 19 dwellinghouses on land forming the original Hinchliffe Mill site within the village of Hinchliffe Mill in the Holme Valley.
- 1.2 As set out within the Local Planning Authority's Scheme of Delegation, the proposal is referred to Strategic Committee on the basis of the significant number of representations received highlighting the strong public interest in the development from local residents.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The proposals relate to the 1.9HA of the former Hinchliffe Mill site, which currently include a three-storey stone-built mill building, the mill dam and mill pond and the surrounding land. The other mill buildings on site which historically formed part of the mill complex have now been demolished, leaving a large section of the site vacant but overgrown with sapling trees and other foliage. Topographically, the site slopes downwards in a south-north direction where it meets the River Holme which straddles the northern part of the site adjacent to Water Street.

- 2.2 The site is situated in the village and Conservation Area of Hinchliffe Mill, just south of the A6024 Woodhead Road and just under 2km south-west of the centre of Holmfirth. Residential properties are located north and west of the site on Water Street and Spring Lane respectively. Access to the site via these highways has been historically established through the Mill's commercial use and are evident on the 1850 OS Six-Inch Historic Maps. A vehicular bridge and public right of way bridge connect the site to Water Street over the River Holme.
- 2.3 Open fields and countryside forming Green Belt land surround the site to the south and east. The Mill is not listed under the Listed Building and Conservation Areas Act 1990 by Historic England (National Heritage List for England).

### **3.0 PROPOSAL:**

- 3.1 This application seeks full planning permission for the redevelopment of the former mill site to residential. The proposals include the conversion of the mill to 7 dwellings and the erection of a further 12 dwellings (total 19 units). The proposal also includes the formation and improvement to access roads serving the site, off-road parking for up to 63 cars (43 spaces / 20 garage spaces) alongside associated hard and soft landscaping.
- 3.2 In respect of the layout of the development, units 1 and 2 comprise two individually designed house types, both of which are two-storey 4-bed detached dwellinghouses with contemporary northlight-style double bay roofs. Unit 1 has an additional sun room and detached garage, while Unit 2 has an attached garage. These dwellings would be accessed via the existing informal off-shoot track from Spring Lane, and are located directly south of and adjacent to the mill pond. In addition to the garages, each dwelling would have two other designated parking spaces and private outdoor amenity space.
- 3.3 The proposed mill conversion units (units 3-9) are located in the former mill building and are all 3/4-bed 'terraced' properties. Vehicular access to these units would be via Water Street and the existing bridge over the River Holme. Units 3 to 5 would utilise the top two storeys of the former mill building, whilst the other units would occupy all three floors, and have two parking spaces and utility space in the basement area. Each unit would have a minimum of two or three parking spaces each. Each unit would also have its own outdoor private amenity space on the south-western side of the building.
- 3.4 Units 10-16 comprise of detached houses in contemporary north-light style, all of which are three storey and offer 3 or 4 bed accommodation (the fourth bed potentially a home office or vice versa). The dwellings would be located east of the mill facing north towards the River Holme with vehicular access via Water Street. Each unit would have three designated off-street car parking spaces, including a detached garage per unit. Each dwelling would also have its own outdoor private amenity space, front and back.
- 3.5 Units 17-19 would be positioned on the upper section of the site, also east of the mill, and would be accessed via Spring Lane. Units 17 and 18 incorporate an integral garage, whilst Unit 19 includes a separate detached garage. Like Units 10-16, Units 17 to 19 have been designed to reflect a contemporary north-light industrial style. Each dwelling is two-storeys and contains four bedrooms each. Each unit also includes a further two off street parking spaces and private outdoor amenity space.

- 3.6 The materials proposed for the new dwellings include local sandstone and ashlar for the external walling, natural blue slate for the roofs, and aluminium rainwater goods and window surrounds.
- 3.7 A service vehicle turning head is to be provided within the site off the Spring Lane access, while access and turning will be provided for cars off Water Street. Bin collection points are to be provided at the front of the site adjacent to the River Holme and towards the rear of the site adjacent to the refuse turning head. A pedestrian footpath will link the lower and upper sections of the site, and a new footpath link in the north of the site will join the existing footpath network. The public footpath will be reinstated to be much closer to its original line (it being diverted some years ago when the mill was in operation).
- 3.8 A parking bay area (four spaces) at the western end of Spring Lane is to be provided for local residents. The mill pond will be retained and water swales will be created on the upper and lower development plateaus, as well as areas of open space and landscaping.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

2010/91519 – Conservation Area Consent for demolition of former blending/mending shed, storage buildings and office buildings – Granted

2010/91518 – Change of use and alterations to convert existing mill building to 7 dwellings with garages and erection 12 dwellings with garages (within a Conservation Area) – Approved

2009/90369 – Conservation Area Consent for demolition of blending building - Granted

2009/90368 – Erection of replacement building to form two dwellings (within a Conservation Area) - Approved

2006/91184 – Conservation Area Consent for demolition of buildings - Granted

2006/91183 – Conversion and extension of existing mill buildings to form 19 No. residential units and erection of 2 No. dwellings with garages (partly within a conservation area) – Granted at Appeal

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

5.1 The following amendments to the scheme have been made in comparison to the original submission:

- Scheme reduced from 24 to 19 units to comply with HS190 allocation limitations for site yield;
- Parking bay with 4 spaces introduced on Dam Head/Spring Lane to provide for existing resident parking;
- Updated Flood Risk Assessment to meet Local Lead Flood Authority and Environment Agency requirements;
- Amendments to layout to ensure alignment of PRow 95/10 with the definitive map so that it is re-instated to its original position;
- Provision of tree removal/retention plan;

- 2no. Transport Statement Addendums following consultation with KC Highways DM;
- Independent Viability Process entered into which confirmed that the site was unviable even at the lowest recommended profit level of 15%;

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- 6.2 The site is allocated for Housing (ref: HS190) in the Kirklees Local Plan. Other Local Plan designations covering parts, or all of the site, are as follows:

#### *Constraints*

- Highways access unsuitable for intensification greater than indicative capacity;
  - Part of the site is within flood zone 3;
  - Potentially contaminated land;
  - Proximity to Special Protection Area/Special Area of Conservation;
  - Proximity to SSSI;
  - Part of this site lies within a UK BAP priority habitat;
  - Site is within the Wildlife Habitat Network;
  - Site is close to listed buildings;
  - Site is within a Conservation Area;
  - The original buildings shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with LP7 and LP24.
- 6.3 The red-line site area is indicated as 1.9HA, however the Site Designation box for Housing Allocation 190 states that the gross site area is 1.34HA and the net area is 0.62HA. The net area has omitted high flood risk areas removed from the developable area. The gross area appears to omit the River Holme and Water Street from the red line boundary thereby providing a lower gross area. The indicative site yield is 19 dwellings, and this has been established through historic applications submitted in 2006 and 2010.
- 6.4 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network

LP24 – Design  
LP26 – Renewable and low carbon energy  
LP27 – Flood risk  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP31 – Strategic Green Infrastructure Network  
LP32 – Landscape  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP35 – Historic Environment  
LP47 – Healthy, active and safe lifestyles  
LP48 – Community facilities and services  
LP49 – Educational and health care needs  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP63 – New open space

Supplementary Planning Guidance / Documents:

6.5 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide SPD (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Viability Guidance Note (June 2020)

Holme Valley Neighbourhood Plan

6.6 The Holme Valley Neighbourhood Development Plan was made at Full Council on 8 December 2021. The Plan was also made by the Peak District National Park Authority Planning Committee on 10 December as the Plan covers part of the Peak District National Park. For the Holme Valley Neighbourhood Area this means that the Holme Valley Neighbourhood Development Plan forms part of the development plan alongside the Kirklees Local Plan.

6.7 Relevant policies to this planning application include:

- *Policy 1* – Protecting and Enhancing the Landscape Character of Holme Valley;
- *Policy 2* – Protecting & Enhancing the Built Character of the Holme Valley and Promoting High Quality Design;
- *Policy 2* – Conserving and Enhancing Local Heritage Assets;
- *Policy 5* – Promoting High Quality Public Realm and Improvements to Gateways and Highways;
- *Policy 6* – Building Housing for the Future;

- *Policy 11* – Improving Transport, Accessibility and Local Infrastructure;
- *Policy 12* – Promoting Sustainability;
- *Policy 13* – Protecting Wildlife and Securing Biodiversity Net Gain;

6.8 The development is set within the Landscape Character Area 4 (LCA4) – ‘River Holme Settled Valley Floor’. The Character Management Principles for LCA4 are as follows:

- 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.

6.9 Character Management Principles for LCA4 are as follows:

- 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.

#### Climate change

6.10 On 12/11/2019 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.

## National Planning Policy and Guidance:

- 6.11 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:
- Chapter 2 – Achieving sustainable development
  - Chapter 4 – Decision-making
  - Chapter 5 – Delivering a sufficient supply of homes
  - Chapter 8 – Promoting healthy and safe communities
  - Chapter 9 – Promoting sustainable transport
  - Chapter 11 – Making effective use of land
  - Chapter 12 – Achieving well-designed places
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 – Conserving and enhancing the natural environment
  - Chapter 16 – Conserving and enhancing the historic environment
  - Chapter 17 – Facilitating the sustainable use of materials.
- 6.9 Since March 2014 Planning Practice Guidance for England has been published online.
- 6.10 Relevant national guidance and documents:
- National Design Guide (2019)
  - Technical housing standards – national described space standard (2015, updated 2016)

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was initially advertised by neighbour letter, newspaper advertisement and site notices in March 2021, a second round of publicity was undertaken in December 2021 and a final round of publicity undertaken in September 2022. A total of 145 representations have been received as of the date of this report.
- 7.2 Of the 184 representations received, 171 object to the proposal and 13 are in support of the development. Matters highlighted in representations are as follows:

### **Objections**

- Intensification of substandard accesses to the site, not only for cars of the occupiers in the dwellinghouses but also delivery and postal vehicles.
- Insufficient capacity on the local highway network to accommodate extra vehicles.
- Lack of off-street parking for existing local residents displaced by the development on Spring Lane. Requests for off-street parking provision.
- Lack of traffic generation information and limited consideration for school trips within the supporting Transport Statement.
- General criticism of the Transport Statement in respect of its assumptions.
- Highway safety concerns on Dobb Lane.



- Water Street and Spring Lane junction visibility inadequate.
- Lack of footways in the surrounding area is dangerous for pedestrians and this will be exacerbated by the development.
- Intensification of vehicular journeys on a local school route to the detriment of highway safety.
- Lack of access for emergency vehicles/access width issues.
- Changing the character of the Green Belt from its now Greenfield status.
- Inappropriate development in the Green Belt.
- Lack of provision for restoration and improvement of Mill Dam, the 2010 application allowed for this, for the benefit of all residents.
- Lack of affordable housing provision.
- Excessive on-site car parking is not in accordance with Kirklees' Climate Emergency.
- Over-intensification of the site due to the number (24), size and scale of the buildings proposed adjacent to the Mill.
- The shape of the proposed dwellings are not sympathetic to the Mill and the scale is out of keeping at 3 storeys in height.
- Concerns in respect of parking for residents on Water Street.
- Concerns in respect of privacy from windows serving the northern elevation of the mill building overlooking the properties on Water Street.
- Concerns in respect of development within a flood zone and general concern for creation of flooding in the local area as a result of the development.
- Lack of sustainable heating methods, such as a district heating network or air/ground source heat pumps.
- Concerns regarding wildlife and the disruption to habitats from the development.
- Negative impact on the conservation area or the appearance of the wider style of the village.
- Lack of local facilities, therefore the development will be car reliant.
- Units 1 and 2 will impact the character of the conservation area negatively.
- Site is now established woodland with trees in a conservation area set to be removed that have TPO status.
- Local infrastructure incapable of supporting the new dwellings.
- Potential for obstruction to local PROW 95/10.
- Negative impact upon the amenity of the residents of Water Street and Dam Head/Spring Lane.
- Excessive noise, disturbance and odour (unspecified).
- Contamination of the river during the construction/renovation process.
- Lack of school places to accommodate any new children in the area.
- Complaints relating to the housing mix and lack of 2 bedroom units.
- Inadequacy of public transport serving the local area.
- Lack of river unit consideration within the Biodiversity Metric

## **Support**

- In support of the application because the site is an eyesore and the plans look 'fantastic'.
- Design is 'in-keeping' with the local area.
- Upkeep and maintenance of the pond and surrounding area.
- Access is difficult but this is part of the local context of Holmfirth.
- The mill is derelict, development is supported as it is in-keeping with the area and keeps the character of the mill.
- New homes will be provided for people in the area to move to.
- General improvement of the site to improve amenity.
- The reduction in the number of units is positive.

- Support for re-development subject to the special character of the mill being retained.
- Many comments in general support the re-development of the mill but highlight the access issues that the development faces.
- Trees on the site have become overgrown and unkempt, the proposal will resolve this.

### **Comments/Observations**

- Application red line runs over my property at Lower Waterside Barn
- Dam Wall is infested with Japanese Knotweed which could exacerbate the dam wall's integrity and cause a flood.
- Request for re-instatement of the PROW footpath upon its original legal route.
- Development must be in-keeping with the mill and the local area.
- Consideration should be given to access for refuse collection and service vehicles.
- Water Street should be re-surfaced to account for the increase in use.
- The development should adhere to the site yield of 19 units as advised in the Local Plan.
- Proposal for alternative road arrangement that would allow for a multi-lane carriageway where vehicles can pass.
- PROW 95/10 remains obstructed due to historic development. The development should improve this situation.
- Request for a Committee site visit.
- Lack of documentation, especially in respect of Habitat Regulations Assessment concerning the Special Protection Area – Pennine Moors.
- Request for native planting in the soft landscaping scheme.

7.3 The Holme Valley Parish Council have been consulted on the application and have the following comments:

1<sup>st</sup> Response Logged 15<sup>th</sup> April 2021:

*The Parish Council is very supportive of the re-development of the site of the historic mill building at Hinchliffe Mill. However, the Parish Council objects to the current, proposed development on the basis of:*

- 1) Over-intensification of the site including the use greenfield land*
- 2) Regarding highways, concerns about the very limited parking available to existing residents of Dam Head, Spring Lane etc; a communal parking area should be part of the development*
- 3) Heritage concerns regarding the unsuitable design of the new buildings*
- 4) Flood risk*
- 5) Ecological damage*

*The Parish Council feels that developers should undertake proactive engagement with the local community with regard to this site so that development can be sensitively managed.*

2<sup>nd</sup> Response Logged 18<sup>th</sup> January 2022

*The Parish Council remains very supportive of the redevelopment of the site of the historic mill building at Hinchliffe Mill and welcomes the proposed provision of smaller, more affordable homes within the mill.*

*However, the Parish Council objects to the current, proposed development on the basis of:*

- *Over-intensification of the site*
  - *Heritage concerns regarding the unsuitable design of the new buildings within a Conservation Area [Holme Valley Neighbourhood Development Plan - Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design]*
  - *Regarding highways, concerns about the very limited parking available to existing residents of Water Street, Dam Head, Spring Lane etc; a communal parking area should be part of the development and issues of pedestrian safety and the public right of way Flood risk*
  - *Ecological damage, - the scheme needs to include an action plan regarding environmental improvements to offset the biodiversity loss [Holme Valley Neighbourhood Development Plan - Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain]*
- The Parish Council would expect more detail from a project of this size on meeting sustainability outcomes and addressing the climate emergency, - for instance, by incorporating solar panels, ground source heating and so on [Holme Valley Neighbourhood Development Plan Policy 12: Promoting Sustainability]*

3<sup>rd</sup> Response Logged 7<sup>th</sup> November 2022

The Parish Council continues to be very supportive of the re-development of the site of the historic mill building at Hinchliffe Mill. The Parish Council welcomes the reduction in the total number of houses over the original application. The Parish Council further welcomes the increase in parking provision for the residents of Water Street and Spring Lane.

However, the Parish Council objects to the current, proposed development on the basis of: 1) Overintensification of the site including the use of greenbelt land for the larger properties 2) Regarding highways, the narrowness of the routes is concerning for emergency vehicular access. The Parish Council is also worried about the risk to schoolchildren using the unpaved walk-to-school route on Dobb Lane. Parking provision for the existing residents is still inadequate despite the planned increase. 3) Continued heritage concerns regarding the unsuitable design of the new buildings within or adjoining the conservation area 4) Flood risk 5) Ecological damage.

The Parish Council would also expect much more detail in a project of this size on sustainability and renewable energy generation as per the Holme Valley Neighbourhood Development Plan pp152-156 Policy 12: Promoting Sustainability and should include a climate mitigation statement.

The Parish Council is dismayed by the loss of affordable, 2-bed housing in the development. The Parish Council feels that it would be in the developer's interest to reach out to local people and to undertake proactive consultation with the local community. Local feeling would appear to be generally in support of the development of the site in a sympathetic manner which fits in with the residential/conservation area and surroundings.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Environment Agency: No objections subject to conditions and advisory comments in respect of environmental permits, biodiversity net gain etc.

Lead Local Flood Authority: No objections subject to conditions and agreement to a drainage management company via a S106 agreement.

KC Highways Development Management: No objections subject to conditions and the recommendation of sustainable travel measures that could be agreed via a S106 agreement.

KC Highways Structures: No objections subject to conditions.

Yorkshire Water: No objections subject to compliance with the submitted drainage strategy

Historic England: Initial concerns regarding units 17, 18 and 19 and the impact on the non-designated heritage assets and the conservation area. The consultee's objection has been withdrawn following the submission of indicative 3D visual plans.

Natural England: Generic advice provided. Inferred that a deferral to KC Ecology expertise preferred.

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

Association for Industrial Archaeology: Advisory design comments included in a heritage condition.

KC Building Control: Some minor alterations likely required post-decision in respect of fenestration and ventilation systems to meet fire tests.

KC Crime Prevention: Request for artificial lighting to be conditioned. Further advice provided on natural surveillance.

KC Ecology: No objections subject to conditions and advise that the development is required to contribute a figure of £62,330 in off-setting habitat loss as a 10% Biodiversity Net Gain. This financial sum is to be secured via a Section 106 agreement.

KC Education: Application is below 25 units therefore an education contribution is not required.

KC Emergency Planning: Concerns expressed in respect of access/egress into the site by emergency service vehicles.

KC Environmental Health: No objections subject to conditions

KC Landscape: No objection subject to conditions. An indicative figure of £26,194 for POS is advised to be secured via Section 106 Agreement. The inclusion of the figure is not recommended by Officers due to the viability of the scheme.

Northern Gas Network: No objections.

KC Planning Policy: Advice provided in respect of Green Belt matters.

KC PROW: No objections subject to conditions

KC Public Health: No comment – Health Impact Assessment not required. This is despite the site allocation box for HS190 indicating a requirement to submit a HIA.

KC Strategic Housing: An indicative affordable housing requirement of 4 units (20% of yield) is advised to be secured via Section 106 Agreement. The scheme would be valid for claiming Vacant Building Credit. Nevertheless, the incorporation of the affordable housing is not recommended by Officers due to the viability of the scheme.

KC Trees: No objections subject to condition

KC Waste Strategy: No objections subject to conditions.

West Yorkshire Archaeology Advisory Service: No objections subject to condition.

Yorkshire Wildlife Trust: General advice provided.

## **9.0 MAIN ISSUES**

- Land Use and Principle of Development
- Transportation and Access Matters
- Heritage and Archaeological Matters
- Layout, Scale, Visual Appearance and Landscaping Matters
- Housing, Residential Amenity and Public Health
- Green Belt, Biodiversity and Tree Matters
- Site Drainage and Flood Risk
- Environmental Health, Site Contamination and Stability
- Climate Change
- Viability & Planning Obligations
- Representations
- Other Matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum and taking account of windfalls, committed housing figures and losses/demolitions.
- 10.3 The planning application site consists of Local Plan housing allocation HS190. Full weight can be given to this site allocation for housing development in accordance with Local Plan policy LP3 – Location of New Development. Allocation of this and other greenfield sites was based on a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing, employment and other uses.
- 10.4 The Site Allocation Box in the Local Plan states that site HS190 has an indicative capacity of 19 dwellings. The net site area of allocation HS190 is 0.62 hectares which would elicit, under the density of policy LP7 – Efficient and Effective Use of Land and Buildings, that the site would have a capacity of 21.7 dwellinghouses based upon a density of 35 dwellings per hectare. The Holme Valley Neighbourhood Development Plan (HVNDP) supporting clause 4.5.16 identifies that housing sites in the Holme Valley are more likely to generate densities in the region of 30 dwellings per hectare. This lower density would suggest an allocation yield of 18.6 dwellings. The proposed development would meet, but not exceed the site allocation yield of 19 dwellings, in accordance with the restriction placed on the allocation in respect of access limitations to prevent greater intensification than the indicative allocation capacity. T
- 10.5 The development therefore initially meets the requirements of Kirklees Local Plan Policies LP1 – Presumption in Favour of Sustainable Development, LP3 – Location of New Development and LP7 – Efficient and Effective Use of Land and Buildings while also meeting the 30 dwelling per HA requirement of the HVNDP.
- 10.7 On the basis of the above, the principle of residential development at this site is considered acceptable as it would contribute towards meeting the housing delivery target of the Local Plan. However, the identified site constraints and the development's impacts would need to be appropriately mitigated, along with the need for a high quality development that responds to local character within a conservation area. These matters are considered later in this report.

## Transportation and Access Matters

- 10.8 A Transport Statement (TS) has been prepared and submitted by HDC Support LTD (ref HDC/ENG/0121 FINAL). A further two addendum's to the TS have also been submitted (ref HDC/ENG/0421 Addendum V2) and (HDC/ENG/0922 V2 FINAL). Highways Development Management have reviewed the statement and have made observations in respect of the access arrangements, trip generation, parking, emergency service access and sustainable travel measures.

### Access

- 10.9 Access to the development is taken from two points. The first, Water Street, is the former unadopted access to the now redundant mill buildings. Water Street currently serves 10 existing dwellings with undefined parking provision guaranteed through deeds and cited as unchanged on the submitted site plan. It should be acknowledged that the existing access along Water Street, up to the bridge access into the site over the River Holme, has long been established through historic use of the site as well as subject to an upheld appeal in 2006 and a further permission in 2010. It should also be noted that the proposed access roads and internal arrangement will remain private and shall not be adopted by the Council. Paragraph 3.15 of the Highway Design Guide sets the parameters for private drives as follows:

*New development serving more than five dwellings (or any existing private road which will serve more than five dwellings after completion of new development) should be laid out to an adoptable standard and be able to be offered for adoption.*

- 10.10 In the case of Water Street the road layout is existing, constrained and cannot be altered without removal of existing residential properties – this is a common limitation in the villages of the Holme Valley. Furthermore, KC Highways DM have confirmed that the internal layout of the site will be constructed to an adoptable standard. The development site may not be in use at the moment, however previous historic use has clearly evidenced that it is capable of being used for an intensive industrial purpose alongside 10 residential properties. Consequently, the introduction of a residential use on the former commercial site must be within the parameters of the access's capacity. As Water Street is existing, cannot be widened and has historically served the site when it was in a former use, it is discounted from being required to meet the parameters for access set out under the Highway Design Guide SPD.
- 10.11 In the case of Dam Head/Spring Lane, this access also serves 10 or more residential properties. Again, it is also unadopted and is of single track arrangement. On site observations have indicated that the existing residents along Dam Head park on this section at the junction of Dobb Lane and the entrance to the track beside the Mill Pond. KC Highways DM requested that a parking solution be provided to enable unrestricted access to the development along Dam Head. The applicant has subsequently proposed a row of four linear parking bays to be incorporated into the northern side of Dam Head. The introduction of the off-street parking bays is considered acceptable from a highways perspective. Conditions are listed in Section 12 covering the construction, surfacing and retaining structures necessary to ensure safe use of this new parking facility for local residents.

- 10.12 Some local residents have cited that visibility from Water Street and Dam Head onto Dobb Lane is poor and lends itself to high-risk egress from both junctions. Crash Map data indicates that no slight, serious or fatal collisions have occurred at these junctions in the previous 5 years (2017-21). The statistical evidence therefore points to the junctions operating to safe parameters and that road users drive to the highway conditions. The modest increase in movements for each access (between 4.5 and 5.5 in the AM and PM Peak explained in greater detail below) would appear to be within acceptable parameters for both the Water Street and Dam Head junctions onto Dobb Lane/Co-Op Lane.

### *Traffic Generation*

- 10.13 The trip generation has been assessed using the TRICS data base. The submitted TS assesses the traffic impact of 'Residential' development in trip generation terms. Section 9 in the originally submitted TS indicates the forecast traffic generation for 24 dwellings, this has since been revised in the addendums to reflect the reduction in development to a 19 dwelling capacity.
- 10.14 The TS assesses the traffic impact of a development numbering 19 dwellings utilising a trip rate of 0.48 movements per dwelling. This generates 9 two-way vehicle movements in the AM and PM peak periods, respectively. In context, this is a vehicle movement once every 6 minutes 40 seconds to or from the site, split over each junction at the busiest time of the day. Whilst this trip rate may appear to be on the low side (as highlighted by representors), should a more robust trip rate of 0.6 movements per dwelling be used, this would generate 11 vehicle movements in the AM and PM peak periods. Again this would reflect one vehicle movement approximately every 5 and a half minutes. Overall both scenarios present a negligible impact to highway capacity and KC Highways DM thereby consider the proposed trip generation acceptable in terms of impact on the overall network.

### *Parking*

- 10.15 The development provides sufficient off-street parking provision, in both size and quantum, for all proposed dwellings in line with the Highways Design Guide SPD. As previously mentioned, additional off-street parking would also be provided for the existing dwellings on Dam Head which also meets the SPD standards.

### *Pedestrian Footways*

- 10.16 Some representors have cited the lack of a footway across Dobb Lane being injurious to the safety of school children who frequent Dobb Lane on the way to school as well as other pedestrians who use this route. LPA Officers acknowledge these concerns, however the creation of a footway on Dobb Lane poses a number of challenges.
- 10.17 The scope of a footway would require significant engineering works and compulsory purchase of land that is unlikely to be welcomed by the local community as it would likely result in a significant alteration to the character of the area and the amenity of residents. Provision of a footway within the confines of the highway would also lead to the creation of a single carriageway which could pose issues in respect of increased journeys and vehicle turning.



The latter point is made in reference to vehicles, who do not wish to use the new route, blocking the highway through a three-point turn manoeuvre. Likewise, a Traffic Regulation Order would be unlikely to succeed in this instance as it could not be made without the support of local residents.

- 10.18 Overall, the scope of including a footway on Dobb Lane would not be reasonable for the development to take responsibility for. It is also unclear whether the scope of such works is feasible, or even required, given the Crash Map statistics aforementioned.

#### *Servicing and emergency access*

- 10.19 Many representors note concerns in respect of emergency service vehicles attending the site. Swept paths for a fire appliance have been demonstrated for both accesses in the TS Addendum (dated November 21) and considered acceptable by KC Highways DM. It follows that other emergency services that typically utilise smaller vehicles, such as ambulances, will be able to negotiate both accesses successfully, also. Further requirements in respect of fire safety and fire appliance access are generally considered under the building regulations regime and therefore the details submitted in respect of this application are considered sufficient to allow the application to progress to a Committee decision. With regards to the arrangements for refuse storage and collection, detailed discussions have taken place and suitable arrangements have been agreed to accommodate the requirements accordingly.

#### *Sustainable travel measures*

- 10.20 The Public Right of Way 95/10 would be re-aligned back to its original definitive legal position. KC PRow have confirmed that they have no objections to the indicative footpath design on the site plan subject to details being provided, via condition, relating to its treatment/surfacing, a scheme securing the safety of users as well as construction, management, implementation and retention of the renewed footpath. The site shall be linked to the PRow at the site's north east corner where a footpath link will connect from the private drive in front of plots
- 10.21 In respect of public transport services, the site is located within 400m walking distance of the nearest bus routes that operate on Woodhead Road. KC Highways DM generally take a pragmatic approach to walk distances to take the size and location of development sites into account. When doing so, Kc Highways DM also have to consider the development type and the level and quality of service (frequency and destinations served) at the destination bus stop.
- 10.22 Bus services which operate on Woodhead Road include the '314' which operates between Huddersfield and Holme via Holmfirth at a 60 minute frequency. The bus availability for the site is therefore considered to be acceptable. The size of the development is unlikely to change the bus route frequency, though it could theoretically support the sustainability of the bus route given pressures faced by rural bus routes. The closest bus stop to the site is 19113, on the Woodhead Road Corridor in the centre of Hinchliffe Mill, and it has been identified that this bus stop would benefit from the installation of a Real Time Information display at a cost to the developer of £10,000.00.

- 10.23 To encourage the use of the bus services in the area, it is recommended that the developer contributes towards sustainable travel incentives. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site.
- 10.24 The payment schedule, mechanism and administration of the fund would have to be agreed with Kirklees Council and WYCA and detailed in the S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a Bus Countywide ticket, the contribution appropriate for this development would be £12,276.00. This equates to Bus Only Residential MCards. Further discussion as to the Officer Recommendation relating to the Sustainable Travel measures/funds is made in the Viability and Planning Contribution section of this assessment.

### *Conclusion*

- 10.25 The general impact of the development on highway safety and capacity is relatively low and, where it does exacerbate issues, it does so at a low level as explained in the assessment above. For these reasons, the proposal is recommended to members as being in line with Policies LP20, LP21, LP22, and LP31 of the Local Plan as well as Policy 11 of the HVNDP.

### Heritage and Archaeological Matters

- 10.26 In determining this application, the Local Planning Authority should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### *Designated and Undesignated Heritage Asset Impact*

- 10.27 The proposal's new-build dwellinghouses have been designed to merge contemporary elements with the industrial character and heritage of the site. This is manifested in the combined architectural detailing of traditional materials, alongside asymmetric pitched roofs and multi-paned windows that once were present on the former 20<sup>th</sup> Century manufacturing and storage sheds that previously occupied the wider site. In respect of materials, all of the new-build elevations are to be finished in stone sourced from a local quarry, thereby ensuring a high quality appearance that is sustainable and reflective of the local vernacular.
- 10.28 The dwellings to the east of the Mill (Plots 10 to 16) are reminiscent of north light sheds, with the same theme being incorporated in Plots 17 to 19. The two detached dwellings to the west of the Mill (Plots 1 and 2) are of a similar north-light design with asymmetric rooflines. However a contrast is drawn with the dwellings set east of the Mill. This is due to Plots 1 and 2 incorporating domestic style one over one windows instead of the multi-paned windows proposed on the other new-build dwellings. The alternative windows for Plots

1 and 2 are due to these two dwellings being the only units located west of the Mill Building and being more obviously contrasted with the wider village which have similar sash and weaver cottage-style windows.

- 10.29 The proposed roofing material for the new dwellinghouses is yet to be determined (item A of the site elevation drawing 3372 (0-) 621 rev E) as are the window types (item E). KC Conservation would recommend that the roof covering of the new-build units is blue slate as referred to in the application form rather than pressed metal. Such detail will be required by pre-commencement condition, as set out in Section 12 of this report.
- 10.30 In respect of the Mill, its conversion is welcome as this will bring an important historic building back into use. External alterations to the Mill are mostly sympathetic to the character of the building and allow its significance to be retained. KC Conservation have stated that the retention and replacement of stone slates is preferred, and this detail will be captured, again, via condition.
- 10.31 The proposal for multi-paned windows reflects the industrial character of the building, although we would suggest that the number of panes in each window and external doors are reduced, with the loading doors shown on the elevation drawings and the pulley mechanism retained in the wall above these doors. We would recommend that the loading doors are designed to reflect the style of the historic doors. Again, these details are to be secured by condition.
- 10.32 As regards the proposed boundary treatments, these are determined appropriate to the setting, with dry stone walls typical of the local vernacular, metal estate railings which allow permeability, and hedges between rear gardens and to the southern boundary rather than timber fencing, to maintain soft edges. Improved footpaths and boundaries to the mill pond will enhance this area.
- 10.33 Historic England have also been consulted on the application and have stated that *'the development of this site represents an important opportunity to enhance the conservation area by bringing back into use one of its important assets and to reinvigorate the area with a sympathetic new development.'* The statutory consultee have also stated that they *'welcome the amendments that have been made to the area to the east of the mill building, including rationalisation of the detached garages and hard landscaping.'* Some further amendments to join the garages together have been recommended, however this advice has not been incorporated into the design of the scheme by the applicant. This is presumably due to the potential for a loss of rhythm to the spacing between the garages, which also provides
- 10.34 However Historic England had cited an objection to the proposal due to the unassessed impact of Plots 17 to 19 on the Mill when viewed from the Public Right of Way. The applicant has since provided 3D indicative visuals which contrast the size of the proposed dwellings relative to the historic warehouse that was in a similar location on the site. Following further consultation with Historic England, the statutory consultee has confirmed that they now have no objections to the scheme as some views of the Mill are retained between Plots 17 to 19.

- 10.35 Following amendments, the proposed development is an enhancement on the previous scheme, with references to the industrial heritage of the site along with the use of natural stone and slate in conjunction with sensitive landscaping. The proposal will ensure the conservation of the historic mill building in accordance with paragraph 199 of the NPPF, with the development enhancing the mill by bringing it into a viable use whilst preserving the building's significance into the future.
- 10.36 LPA Officers accept that there is harm resulting from the development, however it is considered that this is less than substantial harm to the Mill as an undesignated heritage asset as well as the wider conservation area. In this instance the less than substantial harm incurred is significantly outweighed by the wider public benefits of bringing the mill and the surrounding site back into use. The proposal consequently accords with NNPPF Paragraph 202.
- 10.37 In respect of Policy 3 of the HVNP, the new dwellings have been designed to respond to the context of the site in a contemporary way, with references to its textile heritage and industrial character. The use of natural stone for the external masonry, and dry-stone walling for boundary treatments, reflects the local vernacular.

#### *Archaeology*

- 10.38 West Yorkshire Archaeology Advisory Service [WYAAS] have been consulted on the application and have confirmed receipt of a Archaeological Building Record by Andrew Swann Historic Building Services (Report No. 03). WYAAS have confirmed that they have added the report to the West Yorkshire Historic Environment Record.
- 10.39 WYAAS have further advised that any below the ground disturbance in the northern interior of the Mill building will require a watching brief and written scheme of investigation. This is to record potential evidence relating to the means of generating and distributing power within the Mill including both the original Water Wheel and the later Steam engine installations. A condition securing this specific matter is listed in Section of this report. By consequence the proposal is considered to be in accordance with LP35 – Historic Environment and Policy 3 of the HVNDP.

#### *Conclusion*

- 10.40 This is a difficult site, with a substantial historic building and several site constraints, and it is determined that the construction of new dwellings on the previously developed land within the mill complex, is necessary to enable the restoration and re-use of the vacant mill building.
- 10.41 It is acknowledged that there is harm arising from aspects of the new build element of the scheme, however this harm is less than substantial and is outweighed by the considerable public benefits relating to the conversion and restoration of the vacant mill along with improvements to its setting given the dilapidated state of the land.

- 10.42 Given the detail and thoroughness of the submitted scheme, LPA Officers are satisfied that the development proposal is considered to be in accordance with LP35 – Historic Environment and Policy 3 of the HVNDP.

### Layout, Scale, Visual Appearance and Landscaping Matters

#### *Layout*

- 10.43 In respect of the layout of the proposed development, this is largely constrained by the significant level difference between the northern and southern sides of the Mill site which are split by a retaining wall in combination with the pre-existing accesses via the bridge over the River Holme from the north and the single carriageway track via Dam Head from the south/west.
- 10.44 The highway accesses are in set locations that determine where internal road layouts can be provisioned which, in combination with the retaining wall that splits the site in two, subsequently elicits the requirement for two turning heads to allow vehicle turning capacity within the confines of the site. The retaining wall is set in the proposed location of the rear elevations of Plots 10-16. Crossing the retaining wall with a highway to create a looped road would not be feasible due to the resultant highway gradient that would be incurred.
- 10.45 Historic aerial mapping imagery from 2001 and 2003 indicates that the development site, whilst in commercial use, was significantly more developed than the layout put forward under this application. The assessment of surface water drainage, to be addressed in a subsequent part of this report, indicates that levels of hardstanding will be reduced by between one quarter and one third than is currently in-situ. The layout consequently enables a somewhat more balanced level of built development on the site than had previously been the case when the site was in commercial use. Representors have also cited that the area west of the Mill, where Plots 1 and 2 are proposed, had not previously been developed. The aerial imagery further confirms that these areas had been developed at an extent significantly larger than that which is proposed under this application.
- 10.46 The linear row of north-light style dwelling houses is reflective of the Mill's footprint while units 1, 2, 17, 18 and 19 also enable the development to merge into the surrounding rural landscape through their less uniform and more fragmented layout which evokes the layout of existing units on Dam Head.
- 10.47 Overall the layout of the site is a reflection of the site's former use whilst being constrained by historic development of the site. This approach is considered acceptable.

#### *Scale*

- 10.48 The Mill is a two, three and four storey building on account of its built form cutting into the hill-side and forming part of the River Holme's southern bank. Units 1, 2, 17, 18 and 19 are wholly two-storey in scale while units 10 to 16 being three storeys across their northern elevation and two storeys at their rear on account of the aforementioned retaining wall.
- 10.49 Plots 1 and 2 as well as 10 to 16 are in line with the height of the Mill. However, Plots 17, 18 and 19 are set higher than the roof of the Mill, but are limited to a 1.5 storey style to minimise their massing.

10.50 Overall the scale and massing of the proposal is responsive to the topographical challenges that characterise the site.

### *Appearance*

10.51 Many representors consider the scheme to be contrary to the setting and appearance of the conservation area. It is posited that this view does not necessarily take into account the previous built form of 20<sup>th</sup> Century buildings on the site.

10.52 The 2003 aerial imagery indicates that the, now demolished, c.20<sup>th</sup> Century commercial buildings were composed of asymmetric industrial rooves similar to that proposed under this application. The aerial imagery also suggests that the style was present on the buildings situated both west and east of the Mill building.

10.53 Appearance is often subjective, and the applicant has provided a more contemporary interpretation of redeveloping the site by drawing upon its former incorporation of asymmetric north-light style sheds, instead of drawing more heavily on the pastoral weaver-cottages that typify the village of Hinchliffe Mill. The Mill itself is evidently of a different vernacular than the village, given its more Palladian and symmetric façade. What's more, as the development is on former industrial land as opposed to the more bucolic residential land that typifies the village, the development's tendency toward the industrial vernacular is considered acceptable.

10.54 Indeed attempting to repeat the historic appearance of Weaver's Cottages on the site of Hinchliffe Mill is fraught with risk, as replicating such styles to imitate the rustic and pastoral appearance of such dwellings generally incurs a pastiche that is jarring and of clear contrast with the more historic units present in the village. Typically development of this type is restricted to extensions of buildings, not new planning units/buildings. As mentioned in the previous section, materials will not be compromised and this requirement is highly likely to help the development integrate with the appearance of the village.

10.55 To reiterate points made in the previous heritage section, Plots 1 and 2 utilise a more domestic fenestration layout given that these dwellings are more closely related to the existing village and it can therefore be argued that the proposal does attempt to integrate into the historic setting and appearance of the area.

### *Landscaping*

10.56 The submitted landscaping scheme has been reviewed by KC Landscape and an indicative off-site contribution figure has been generated of £26,194. This figure has arisen due to the various shortfalls in on-site provision for specific Public Open Space typologies set out within the adopted SPD. Further information pertaining to the landscaping contribution is available within the planning contribution section of this assessment.

10.57 With regard to content of the submitted landscaping scheme itself, KC Landscape identified that the mix of trees is within the visual and ecological parameters of the site, however the indicative spacing of the trees varied widely and was inconsistent. Some trees were proposed in impractical locations next to elevations of proposed units and, in one instance, occupy an entire garden. A revised landscaping plan including boundary treatments as well as hard and soft landscaping was provided by the applicant on the 28<sup>th</sup> November 2022. The revised information goes some way to providing sufficient detail in respect of boundary treatments and landscaping. Indeed, the specification and species of the trees has been clarified, street tree locations identified and appropriate boundary treatments to be installed to separate the eastern POS from Plots 15, 16 and 19. Nevertheless there are outstanding details required in respect of the landscaping strategy such as root protection barriers to prevent issues with trees being sited within drainage easements as well as detail as to the height and composition of boundary treatments to name a few issues. In any case, the quantum of outstanding detail is able to be addressed via an Landscape Ecological Design Strategy to be secured by condition.

### *Conclusion*

10.58 It is considered by LPA Officers that the proposed development is designed in acceptable principles of layout, scale, appearance and landscaping, as advised within the Housebuilders SPD, Policies 1, 3 and 6 of the HVNDP, Policy LP24 of the KLP and the National Design Guide.

### Housing & Residential Amenity

#### *Housing Mix*

10.59 Kirklees Local Plan Policy LP11 – Housing Mix and Affordable Housing requires all proposals for housing to contribute to creating mixed and balanced communities in line with the latest evidence of housing need. All proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure.

10.60 The development proposes to provide 5 three-bedroom properties and 14 four-bed properties. Table 7.1 in the Kirklees Strategic Housing Market Assessment 2016 (SHMA) sets out the distribution of need in the borough for all types of housing. Table 7.1 indicates that, for open-market need, 30.74% of the annual housing requirement should be composed of three bedroom units while 24.61% of the requirement should be four bedroom properties. Three and four bedroom houses consequently constitute 55.35% of the housing requirement, and this does not include the open-market need for similarly sized bungalow properties.

10.61 Due to the viability of the scheme, in that it is a form of enabling development for an historic yet derelict Mill building significant to the local area, the housing mix has been accepted by Officers as the proposed housing mix still provides for the needs of more than 50% of Kirklees' residents need and it is understood that the larger properties provide greater revenue by which to fund the redevelopment of the Mill which carries higher costs than standard residential development. The introduction of smaller dwellings would have the potential to increase development costs thereby affecting the revenue necessary to deliver the Mill renovation.

*Residential Amenity in respect of Privacy, Overshadowing & Overbearance*

10.62 All of the proposed dwelling houses have been reviewed and are found to benefit from adequate outlook, privacy and natural light. Adequate distances would, in most instances, be provided within the proposed development between the new dwellings. In the main, each dwelling house would have adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents as required by the Housebuilders SPD. It is acknowledged that the private gardens of some plots would be affected by boundary trees to be retained. However, it is considered that it would be up to the prospective buyer to decide whether or not the desired property garden meets their requirements and, in most cases, it is anticipated that the potential effects of shading are outweighed by privacy gains from canopy spread relative to adjacent windows.

10.63 In respect of the development's impact on existing residents adjacent to the site. The use of Water Street and Spring Lane would incur a greater number of vehicle movements that could create more noise and disturbance for residents of affected properties. However the Mill has been subject to planning permission previously for both 21 and 19 units respectively. The Mill has also been used commercially for most of its lifespan where a significant number of deliveries and employee movements would have been incurred. As such, the re-intensification in use of both accesses, though likely to be somewhat detrimental in noise terms, would be considered reasonable as rights of access have been established for a significant number of years.

10.64 In respect of privacy loss, the re-introduction of the use of windows on the northern elevation of the Mill facing over the River Holme to the southern elevations of residential properties on Water Street would incur a loss of privacy. Balconies are present across most of the rear of the properties spanning 4 to 10 Water Street and the rear habitable room windows of 8, 9 and 10 Water Street would be particularly affected. That being said, it should be acknowledged that the layout is historic and the traditional use of the site would have incurred privacy loss for the residents of Water Street through the pre-existing mutual fenestration layouts between the Mill Building and the Water Street dwellinghouses.

10.65 LPA Officers, cognisant of the longstanding privacy established by the Mill falling out of use, acknowledge that the re-introduction of a new use to the Mill should provide mitigation for potential privacy issues. As a result, a condition is listed in Section 12 of this report which will require the lower row of mullions of the windows serving the northern elevation of the Mill to be obscure glazed.



10.66 In respect of other potential amenity impacts, Plot 1 is set significantly lower than Lower Waterside Barn whilst also being at an offset angle front to rear. It is, therefore, highly unlikely that Plot 1 will overshadow, overlook or overbear Lower Waterside Barn. Plots 1 and 2 are also sited between 41m and 43m from the rear of residential properties on Water Street. Consequently, Plots 1 and 2 are determined to be a satisfactory distance from the rear of dwellinghouses on Water Street.

### *Internal Space Standards*

10.67 The sizes of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

10.68 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

<b>Plot</b>	<b>House Type Description</b>	<b>Storeys</b>	<b>Sqm (GIA)</b>	<b>NDSS Sqm (GIA)</b>
<i>Open Market Sale</i>				
Plot 1	Detached, four bedroom house with detached garage	2	206	124
Plot 2	Detached, four bedroom house, with attached garage	2	196	124
Plot 3	End-terrace, three-bedroom Mill House	2	199	108
Plot 4	Mid-terrace, four bedroom Mill House	2	189	108
Plot 5	Mid-terrace, three bedroom Mill House	3	204	108
Plot 6	Mid-terrace, three bedroom Mill House	3	194	108
Plot 7	Mid-terrace, three bedroom Mill House	3	195	108
Plot 8	Mid-terrace, three bedroom Mill House	3	194	108
Plot 9	End-terrace, four-bedroom Mill House	3	227	130

Plots 10, 11, 12, 13, 14, & 15	Detached, four bedroom house with detached garage	3	168	130
Plot 16	Detached, four bedroom house with detached garage	3	173	130
Plot 17	Detached, four bedroom house with attached garage	2	185	130
Plot 18	Detached, four bedroom house with attached garage	2	179	130
Plot 19	Detached, four bedroom house with detached garage	2	179	130
<b>Total Units</b>		19		
<i>Total Market Units Below NDSS</i>		0		
<b>Total Below NDSS</b>		0 (0%)		

10.69 Given the above, all of the proposed units are considered to be NDSS compliant.

### *Conclusion*

10.70 Overall the development is considered to meet the amenity requirements set out in the Housebuilders Design Guide SPD, Policy 6 of the HVNDP, KLP Policy LP24, and the NPPF.

### Green Belt, Biodiversity and Tree Matters

#### *Green Belt Matters*

10.71 The red line boundary is within the green belt in the south west corner, across the whole of the width of the site to the rear, as well as to the north east. Each of these areas can be considered individually.

10.72 The most debated parcel of green belt land is in the south west corner of the site (former hardstanding at the head of Spring Lane). While the aerial photo from 2003 does show hardstanding the passage of time has materially altered the character of the site such that it is now considered to be greenfield, and the decision maker must consider the proposal against current policy and the prevailing circumstances at the time of the application. There is therefore no inconsistency in decision making. It should also be noted that even if this parcel were considered to be brownfield there would still be harm to the Green Belt from this proposal.

10.73 The engineering operation required to create the access and car parking must be considered against both openness and the purposes of including land in the Green Belt as required by NPPF paragraph 150. Access from Spring Lane is now proposed for 4 units (2, 17, 18 and 19) as well as for service vehicles and there are 4 car parking spaces proposed as well as the driveway entrance

to Plot 2. The number of units served off the Spring Lane access has been reduced from 9 and the proposed buildings within the Green Belt have now been removed. Nevertheless, as there is currently no use of the land, any use will materially impact on openness. The site has re-vegetated and its character is more closely associated with that of the adjacent countryside than any connection with the former mill site so, while encroachment may be limited, it is still material.

- 10.74 The Green Belt strip to the south of the site is proposed as a swale area. Though the characterisation of the landscape will be altered with the consequent potential impact on openness and encroachment into the countryside contrary to Green Belt policy, the applicant has confirmed that the swales will be with soft edges and will not be engineered with retaining walls.
- 10.75 The use of the area to the east of Plot 19 is to be subject to new planting as set out on the soft landscaping plan. It is proposed to be kept physically separate from Plot 19 through the location of PROW 95/10 such that it could not form part of the domestic curtilage.
- 10.76 The impact on openness caused by the access and car parking off Spring Lane alongside that of the swale across the southern part of the site is contrary to Green Belt policy outlined in NPPF Paragraph 148 and would represent inappropriate development in the Green Belt. The harm caused by inappropriate development carries substantial weight. However, it is highlighted by LPA Officers, that the removal of all structural elements and the reduction in the number of units served from Spring Lane has meant that the Green Belt harm incurred in this particular area is reduced to a level bordering on the minimum possible if *any* access off Spring Lane is to be allowed at all.
- 10.77 With regard to the proposed swale, though it would impact openness through an engineering operation, its inclusion in the plan of the development would meet the test under NPPF Paragraph 145 which requires '*LPA's to plan positively... to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land*' in the Green Belt. This is because the swale is intended to blend into the surrounding countryside and will not incur exposed man-made structures. A detailed design of the swale is yet to be produced, however LPA Officers are satisfied that the information supplied to-date ensures that the SuDS will meet the requirement of paragraph 145 through its enhancement of the visual amenity and biodiversity of the local Green Belt in this particular location.
- 10.78 In the context of the above, it is considered by LPA Officers that the scheme as a holistic package has sufficient merit and benefit to justify the existence of Very Special Circumstances in this instance. Indeed the positive benefits of bringing a dilapidated non-designated heritage asset back into use within and adjacent to a Conservation Area clearly outweighs the harm caused by inappropriate development, even though such harm carries substantial weight, and the limited amount of harm to openness and conflict with the purposes of including land in the Green Belt incurred within the Green Belt by the same development. The current state of the Mill and surrounding land is clearly adversely impacting the visual interest of the eponymous Conservation Area. By bringing Hinchliffe Mill back into use, the Conservation Area will be significantly improved in visual terms while also contributing towards the housing need of local area. The combined weight of these positive factors are considered to significantly outweigh the limited scope of inappropriate

development to the Green Belt as well as the harm incurred to the openness of the Green Belt through the alterations to the Spring Lane Access, its hardstanding and the introduction of the swale, respectively.

- 10.79 No other harm has been identified and it is not considered that this impacts the decision balance set out above. The development is therefore considered to be in accordance with Paragraph 148 of the NPPF.

### *Biodiversity Matters*

- 10.80 With regards to possible impacts on Malkin House Woods Local Wildlife Site (LWS), the EclA has addressed previous concerns set out by KC's Ecologist and determined that the proposed development will not bring about any significant impacts on the LWS. The assessment undertaken by KC Ecology from the information provided and other resources determines this conclusion to be sufficient and anticipates there will be minimal to negligible impacts on Malkin House Woods therefore no mitigation would be required by the proposed development.
- 10.81 Additional information has also been provided for foraging and commuting bats, which anticipates there will be minimal impact given the retention and enhancement of features of high foraging and commuting value within the red line boundary.
- 10.82 With special regard to the Screening Process necessary for the Habitat Regulations Assessment (HRA) of the development's impact on internationally important sites, the information provided in the EclA concludes that the proposed development will result in no impacts on sites of international importance. This on account of the significant distance between the application site and sites of international importance, their lack of connectivity and the absence of qualifying species.
- 10.83 Overall, KC's Ecologist has no objection to the information provided within the latest EclA, subject to the provision of a condition requiring confirmation that licences for works on the site that would have the potential to disrupt protected species are either granted or not necessary alongside a further condition for a Biodiversity Construction Management Plan which would secure the following information:
- a) Minimisation of Vegetation Removal: How the removal of trees, woodland and scrub will be minimised as far as practicable by minimising working areas.
  - b) Schedule 9 Invasive Weed Management Plan: An Invasive Weed Management Plan order to prevent the illegal spread of Variegated Yellow Archangel within and beyond the site.
  - c) Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds, badgers and invasive plant species.
  - d) Identification of "biodiversity protection zones", where appropriate.
  - e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - f) The location and timing of sensitive works to avoid harm to biodiversity features.

- g) The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
- h) Responsible persons and lines of communication.
- i) Use of protective fences, exclusion barriers and warning signs, where appropriate.

10.84 An updated Biodiversity Net Gain Statement and Metric has been submitted with the application and which now includes details about the adjacent river habitat along the River Holme. The submitted metric and statement present that there will be no net loss in the value of the river, thereby maintaining the baseline score of 1.01 habitat units post development. Therefore, in order to achieve a 10% net gain for the river, a commuted sum made payable to the local authority, would be required. In addition to the river, the commuted sums required for each broad habitat area is as follows. Each commuted sum is calculated on the basis of £20,000 per unit (as taken from DEFRA's latest risk assessment) in addition to a 15% admin fee, as detailed in the Kirklees Biodiversity Net Gain Technical Advice Note. The Biodiversity contributions are calculated as follows:

- In order to achieve a 10% net gain in habitats, 3.85 units would be required, resulting in a commuted sum of £88,550.
- In order to achieve a 10% net gain in rivers, 0.1 units would be required, resulting in a commuted sum of £2,530
- Should the position of no net loss be pursued, 2.71 habitat units would be required, resulting in a commuted sum of £62,330.

The commuted sums set out above would be secured through an appropriately worded section 106 agreement.

10.85 Overall, through the combination of the Biodiversity Net Gain contribution (discussed in the Planning Obligations section below) and the measures outlined to avoid and mitigate for harm to protected species, the development is considered to meet the requirements of LP30 – Biodiversity and Geodiversity and Policy 13 of the HVNDP

#### *Arboricultural Matters*

10.86 The site and therefore the trees within it fall mostly within the Hinchliffe Mill Conservation Area. The tree survey submitted has provided a detailed assessment of the site's trees and would suggest that many of the trees on the site would be considered low quality within the BS5837 assessment criteria. The report highlights that many of the trees were regenerating from stumps and poor-quality pioneer species.

10.87 Following consultation with KC Trees, it has been confirmed that the amended/updated tree information consisting of the submission of a tree retention/removal plan is sufficient to satisfy the comments made by KC Trees on the 16<sup>th</sup> April 2021.

10.88 The Tree Assessment Plan (ref. 1507 Rev 1 [02/12/21]) clearly shows which trees would be removed to facilitate the proposals. The trees identified for removal are of low or limited value due to their condition or location. KC Trees have no objection to the tree removals proposed and the mitigation planting proposed in the Soft Landscaping Strategy indicatively provides good replacement of what is to be removed, given its low quality and potential. The

landscaping details are to be conditioned so that greater detail is provided, however the current landscaping proposals are sufficient for this stage of the development process. The indicated mix of trees and shrubs is a good replacement over what is on site at the moment and, given the constrained nature of the site, larger tree species would be difficult to incorporate.

- 10.89 Overall proposals are acceptable from an arboricultural perspective as they seek to retain good quality trees and sufficiently mitigate for the loss of low quality trees. Submission of a Tree Protection Plan via condition is listed in Section 12 so that detail setting out the tree protection measures required on the site would be submitted prior to commencement of the development.
- 10.90 The proposal is consequently found to be in line with LP33 of the KLP and Policy 2 of the HVNDP

### Site Drainage and Flood Risk

#### *Site Drainage*

- 10.91 The development will reduce a significant amount of hardstanding on the site. The impermeable area of the existing site owing to the presence of historic hardstanding and the retained Mill roof total 8,728sqm. The proposed site will reduce the combined hardstanding area, albeit inclusive of increased roof footprints, to 6264sqm which is approximately 28.2% lower than the status quo.
- 10.92 As a consequence, the LLFA confirms that the proposed attenuated surface water discharges of 3.0 l/s to the mill pond (Plots 1 & 2) and of 50.5 l/s to the river (Plots 3-19) are accepted as indicated on the Proposed Drainage Layouts (G560-CHG-XX-00-DR-C-0300 Rev P5 & 0301 P6). Flows from the roof of the existing mill and the land drainage from the swale on the southern boundary can discharge to the river unattenuated. Flows from the northern swale into the river and from Plots 1 and 2 into the Mill Pond shall be subject to vortex type flow control devices that can handle 1 in 100 year storm events (+30% for climate change), details of which are to be included in the wider submission of detailed drainage design set out in the condition list in Section 12.
- 10.93 The further investigation works should be undertaken as detailed in Section 4 of the Drainage Strategy (Rev 1.5) regarding soakaway permeability testing (in line with BRE365 guidance) alongside CCTV surveys of the existing surface water drainage to be retained and any repairs identified in the CCTV surveys to be carried out.
- 10.94 All foul water connections will discharge to a Yorkshire Water sewer that traverses beneath the River Holme. Plots 1, 2 and 3 require package pumping stations due to their topographical location.
- 10.95 The long term maintenance of the swales, mill pond, permeable paving, flow control devices, flood attenuation facilities and surface water drainage systems are proposed to be arranged via negotiation of the Section 106 agreement through installation of a management company until such time as the drainage system is to be adopted by the statutory undertaker.

10.96 The Local Lead Flood Authority do not object to the proposed drainage strategy and, subject to attachment and discharge of adequately worded conditions relating to permanent drainage design, flood routing and temporary drainage, the development is found to be in compliance with LP27 and LP28 of the KLP as well as Policy 12 of the HVNDP

### *Flood Risk*

10.97 As the site is allocated in the Local Plan as HS190, the site does not require a sequential assessment to be conducted that would identify preferable sites, as advised in paragraph 166 of the NPPF. The discussion below relates primarily to the exception test set out under paragraph 164 and 165 of the NPPF.

10.98 The submitted Flood Risk Assessment (FRA) suggests that, that the site is unlikely to flood except in extreme conditions. The primary flood risk to the site is from fluvial flooding from the River Holme. The FRA suggests that ground water, surface water and sewer flooding are either insignificant or low risk sources for the application site. In any case, the southern swale is to be provided to capture ground and surface water sources to the south of the site with unrestricted flow into the River Holme.

10.99 Site-specific flood defence measures are identified in the FRA which are expected to afford the development site protection from fluvial flooding. The measures identified include the following requirements:

- a) All new build development shall be located within Flood Zone 1 where the least risk of flooding is expected;
- b) The finished floor levels of the Lower Ground Floor of Units 3-9 (Mill Units) shall be no lower than 166.50 metres Above Ordnance Datum (AOD);
- c) No residential living quarters would be located on the Lower Ground Floor of Units 3-9;
- d) Submission, approval and implementation of a scheme for flood-proofing the Mill units (3-9).

10.100 The Environment Agency have removed their objection to the proposed development on account of the flood defence measures listed above. The Environment Agency have consequently recommended that a condition, in the event of approval of the application, is attached to the decision notice. The condition is listed in Section 12 of this report.

10.101 By consequence the development meets the requirements of clauses (a) and (b) set out in paragraph 164 of the NPPF relating to the flood risk exception test. This is because the development provides wider sustainability benefits to the community, shall be safe through its lifetime whilst reducing flood risk elsewhere on account of the proposed drainage strategy combined with the mitigation listed above, to be controlled by condition.

## *Conclusion*

10.102 The proposed development is considered to accord with the requirements of policies LP27 – Flood Risk and LP28 – Drainage – of the Kirklees Local Plan and Chapter 14 of the NPPF in respect of Planning and Flood Risk.

## Environmental Health, Site Contamination and Stability

### *Noise*

10.103 KC Environmental Health have reviewed the site and have indicated that no permanent noise attenuation is required as no significant noise vectors are identified adjacent to the site.

10.104 The consultee has, however, suggested that a Construction Environmental Management Plan (CEMP) be submitted (via condition) so that best practice in respect of temporary issues that arise during the construction period (including noise, dust mud, worker parking) are adequately mitigated to minimise disruption to local residents. The CEMP is listed as a condition in Section 12 of this report.

### *Protection of Drinking Water*

10.105 The proposed development is in a semi-rural location and in close proximity to properties which rely on alternative sources of water for their drinking water supply. It is therefore important that the proposed development does not have an adverse impact on existing private water supplies and/or the collection grounds of private water supplies which could constitute as a potential risk to human health. A condition is listed in Section 12 that will require submission of a schedule of works that clearly demonstrates that any nearby private water supply and/or collection ground of private water supplies will not be adversely impacted by the proposed development.

### *Contaminated Land*

10.106 A Phase I desk-based assessment and Phase II initial on-site testing for ground contaminants have been submitted in support of the application.

10.107 It is apparent from the Phase I report that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact upon the development and/or the environment. These include, a woollen mill, mill pond and tanks. The Phase I report identifies several past site investigations previously completed. From this, it is recommended that a supplementary phase of intrusive investigation works is completed for this site to confirm that the condition of the site has not changed since the completion of the c.2011 investigations. It is also stated that no further gas monitoring is required as risk assessment remains unchanged.

10.108 The Phase II aspect of the report identified arsenic, lead, and PAH contamination at the site and recommended that a remediation strategy is produced. KC Environmental Health agree with this aspect of the Phase II report. However, several issues have been identified with the Phase II aspect of the report. These are addressed in the following three paragraphs:



- 10.109 Notably, the submitted Phase II and addendum reports pre-date the Phase I report. Furthermore, it is recommended in the newer Phase I report that a supplementary phase of intrusive investigation works is completed to confirm that the condition of the site has not changed since the completion of the c.2011 investigations. We agree that it is plausible that the site conditions have changed since the time of writing. A new site walkover and Phase II investigation is required to confirm the validity of the previous Phase II reports.
- 10.110 The only ground gas data provided is from 2 visits. This does not reflect the 6 visits over 3 months quoted in Section 5.4.1 of the report. It is unclear why these have not been provided given the date of the report. Also, it is unclear how 2 readings can adequately characterise the ground gassing regime at the site, as no justification has been provided for the curtailing of gas monitoring at the time of writing. Further information is therefore required.
- 10.111 No information has been provided concerning the response zones of the gas monitoring wells. This does not appear to be in line with C665 and BS8485:2015+A1:2019 guidance. In some instances, there appears to be groundwater ingress into the standpipes. There is insufficient consideration for groundwater levels and ingress into monitoring well response zones. Further clarification relating to the effect of groundwater on-site upon the ground gas regime is subsequently required.
- 10.112 In general, the Phase I report is satisfactory. However, further information is still required in relation to Phase II. For that reason, the full suite of contaminated land conditions are required concerning intrusive investigation, potential site remediation and validation. Any updated information must confirm, to a high degree of confidence, the ground contamination status including the ground gas regime. The conditions proposed by KC Environmental Health have been added to the list of conditions set out under Section 12 of the report.

### Climate Change

- 10.113 Officers note that measures are included in the scheme to encourage the use of sustainable modes of transport. Should planning permission be granted, adequate provision for electric vehicle charging points would be secured by condition. The drainage design and flood risk minimisation measures also take into account climate change and would also be secured by condition and/or via a Section 106 Agreement, in line with Local Plan policies LP27, LP28 and LP29.

### Viability & Planning Obligations

#### *Development Viability*

- 10.114 The PPG clarifies that to define land value for any viability assessment, a benchmark land value (BLV) should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. This uplift is often referred to as 'existing use value plus's (EUV+). CP Viability have used the residual appraisal methodology, as is established practice for viability assessments. In simple terms the residual appraisal formula is as follows:

**Gross Development Value less Total Development Cost (inclusive of S106 obligations, abnormal development costs and finance) less/minus Profit, equals the Residual Land Value.**

- 10.115 The Residual Land Value is then compared to the Benchmark Land Value (BLV) as defined in the Planning Policy Guidance on Viability. Where the Residual Land Value produced from an appraisal of a policy compliant scheme is in excess of the Benchmark Land Value the scheme is financially viable, and vice versa:

**Residual Land Value > Benchmark Land Value = Viable**

**Residual Land Value < Benchmark Land Value = Not Viable**

- 10.116 Planning Practice Guidance indicates that a profit level of 15-20% of gross development value is generally considered to be a suitable return to developers. There are a number of factors that determine what a reasonable level of profit might be, including the availability of development finance, the state of the market and the consequent risk in proceeding with schemes, as well as development values and demand. In determining the appropriate level for an individual development, regard is had to the individual characteristics of that scheme.
- 10.117 The applicant's viability assessment evidenced that their BLV was **£525,000**. CP Viability, as the independent assessor, provided the following comments on the submitted BLV:

*Having analysed the comparable evidence put forward by Bramleys we consider that the most weight should be attributed to the Former Calder Vale Mill, which is described as a "Disused mill site, cleared of all buildings and heavily self-seeded and overgrown". This sold for the equivalent of £189,000 per acre. Applied to the 'usable' area of the subject property (as described by Bramleys, which extends to 2.34 acres, this equates to an existing use value of £442,260. This is therefore broadly in keeping with Bramleys allowance of £445,000.*

*Having considered all the above, we conclude that Bramleys existing use value of £445,000 for the subject site is broadly reasonable. As for the premium uplift, given the nature of the site, level of abnormalities etc a circa 18% uplift is broadly reasonable. In summary, we therefore agree that a benchmark land value of £525,000 is reasonable for the subject property and have adopted the same in our appraisal.*

- 10.118 In respect of an identified profit scenario, the independent assessor has the following observations:

*In this case, as discussed above in para 3.5, using RH's own appraisal assumptions, even before any planning policies are factored in, the scheme at best only generates a developer profit of 3.60% on revenue. This suggests that the applicant considers there to be little prospect of achieving their 'target profit' of 20% on revenue (or even the 15% minimum suggested in the guidance). However, the scheme is still being brought forward which either suggests (i) other appraisal assumptions are incorrect or (ii) the scheme can come forward at a profit level below the target rate of 20% on revenue. We would also comment that in our*

*experience, smaller scale schemes can typically come forward at lower profit levels than larger scale developments (involving larger housebuilders that have increased central overheads / margins). For example, the 20-dwelling mill conversion scheme referred to above in para 4.19 the applicant considered a 15% on revenue profit to be at a viable level. Having considered all the above, we conclude that a 15% developer profit is appropriate to apply to the modelling.*

10.119 The 15% profit scenario is provided below which establishes the residualised land price output based upon the profit level resulting from the Gross Development Value minus Gross Development Costs – the residualised price is a proportionate component factor of the Gross Development Costs. For the purpose of interpretation, the residualised value equates to the BLV and planning obligations would only be accepted if the residualised price is above the BLV. The values provided below are the latest that were updated through the November 2022 2<sup>nd</sup> Addendum of the Independent Financial Viability Appraisal by CP Viability:

15% Profit Scenario –

Gross Development Revenue/Value (GDV)	£9,468,400
Gross Development Costs (inc. finance and land value)	£8,048,140
Profit on GDV 15%	£1,420,260
Residualised Land Value	(£513,039)

\*Brackets indicate a negative land value.

10.120 The independent assessor explains the above figures as follows:

*The scheme generates a residual land value of £513,039 (when the developer profit is set at 15% on revenue). This is below the benchmark land value of £525,000. At best, this can therefore only be regarded as being marginally viable, before planning policies are factored in. In summary, and in spite of the amended scheme, we again conclude that the scheme is unable to viably support any level of planning policy contributions.*

10.121 On account of the negative land value generated by the independent appraisal, CP Viability conclude that a fully planning compliant scheme is not viable. On this basis the outcome of the viability process is accepted by the Local Planning Authority and assigned significant weight in decision-making terms with regard to planning obligations. That being said, due to the marginality of the assessment results, an overage clause for the purpose of reviewing the financial viability of the scheme post-commencement has been recommended to be pursued in this instance by the independent assessor.

10.122 The viability review is set out within the Officer Recommendation as being required to be included within a S106 agreement attached to a decision on the application subject to Committee approval. The purpose of the viability review would be to ensure that any profits in excess of the agreed profit level of 15%

are paid to Kirklees' Council to meet identified planning policy contributions set out below. Such an eventuality would occur should development costs be lower and/or development revenue higher than anticipated.

### *Planning obligations*

10.123 Planning obligations, that would need to be secured by a Section 106 Agreement, would be necessary to mitigate against the impacts of the proposed development, should planning permission be granted. In accordance with paragraph 57 of the NPPF, planning obligations should only be sought where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

10.124 For clarity and completeness, the following planning policy contributions have been identified as applicable for this scheme:

- **Affordable Housing** – 2 On-Site Units (1 Social Rent & 1 First Home) taking into account Vacant Building Credit (VBC) by bringing the vacant Mill back into use. An off-site contribution figure, inclusive of the VBC would be between £485,421.00 and £510,420.60 as advised by KC Strategic Housing.
- **Biodiversity No Net Loss** - £62,330 for the purpose of off-setting harm incurred by the development upon Biodiversity. This figure has been calculated in line with the Biodiversity Technical Advice Note.
- **Public Open Space** – Shortfalls in on-site typologies have been identified in line with the Open Space SPD which results in an off-site contribution figure of £26,194.
- **Sustainable Travel** – Highways Development Management have identified the need for £10,000 to upgrade a Bus Stop to include a Real Time display on Woodhead Road as well as £12,276.00 for Bus Only MCards for the site's future occupants.

10.125 The development yield is below 25 units and an Education contribution is not triggered, in accordance with the '*Providing for Education Needs Generated by Housing*' *Guidance Note*'.

10.126 Each of the planning policy contributions will be reviewed in turn following on from the outcome of the independent viability review above.

### *Affordable Housing*

10.127 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. The same policy states that '*the proportion may be less where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal*'. Policy 6 of the HVNDP states: '*Provide a suitable proportion of affordable housing in line with the recommendations in the Kirklees Local Plan and NPPF*'.

- 10.128 In this instance, 20% of the proposed 19 dwelling units would represent 3.8 affordable dwelling units. The Council's Interim Affordable Housing Policy states that the 20% affordable housing contribution will normally be rounded to the nearest whole number. This equates to 4 units.
- 10.129 However KC Strategic Housing Officers have confirmed that the proposal would be valid for vacant building credit. The calculation provided by Strategic Housing infers that the floorspace of the vacant Mill building constitutes 41.28% of the overall floorspace of the development proposal and therefore 20% is applied to 59.72% of the floorspace – this equates to 11.34 units or an effective overall contribution of 11.94% on the 19 unit yield. This elicits that 2.4 affordable units are required instead of 4 units, which is again rounded to the nearest number and equates to 2 affordable units with the following tenure split – 1 Social Rent and 1 First Home.
- 10.130 Following submission of the applicant's viability appraisal relating to their proposed development of the site, the subsequent independent viability assessment and its addendums have concluded that under even the lowest profit scenarios, the proposed development would not be able to be viable with any planning obligations – this includes affordable housing.
- 10.131 As the purpose of the independent assessment was to challenge the assumptions within the applicant's viability submission, it would be considered unreasonable for the Local Planning Authority to justify refusal of the proposed development on the basis of the removal of the affordable housing element when it has been independently corroborated that the site could not be developed with its inclusion. As previously set out above, Kirklees Local Plan Policy LP11 makes provision for this eventuality and the removal of the affordable housing component is consequently deemed to be acceptable in planning policy terms as the circumstances of the case, in this instance, are reflective of the revenue and cost expectations of developing a constrained site.

#### *Biodiversity Contribution*

- 10.132 As highlighted by the independent viability assessment, the proposed development is not determined as viable and is not therefore compelled to provide any planning policy contributions when viewed purely in respect of commercial considerations. However, given that development of the site would incur harm to Biodiversity and that this harm would not be offset elsewhere, the applicant is compelled to provide a contribution of No Net Loss to Biodiversity with a value of £62,330, as the development would not otherwise be acceptable in planning terms and would result in an Officer recommendation of refusal to Strategic Committee. The applicant has subsequently confirmed that they will enter into a Section 106 agreement to voluntarily provide the No Net Loss figure set out above so as to make the proposal acceptable.
- 10.133 The higher 10% Net Gain figure which would trigger an elevated financial contribution of £91,080 is not able to be pursued by the Council as the Biodiversity Net Gain powers set out within the Environment Act are subject to secondary legislation which is yet to be provided to enable the primary legislation to come into effect.

## *Public Open Space*

10.134 KC Landscape have highlighted that the development site's shortfall in the open space typologies set out within the Open Space SPD incur a figure of £26,194 that would be used for improvements to local facilities. However, due to the independent viability outcome, the applicant is not compelled to provide this financial contribution and has confirmed that they do not wish to do so.

## *Sustainable Travel*

10.135 Highways Development Management have identified the need for £10,000 to upgrade a Bus Stop to include a Real Time display on Woodhead Road as well as £12,276.00 for Bus Only MCards for the site's future occupants. However, due to the independent viability outcome, the applicant is not compelled to provide this financial contribution and has confirmed that they do not wish to do so.

## *Conclusion*

10.136 Overall the conclusions of the independent viability appraisal allude to the marginal viability of the scheme with the headline residual land price result pointing toward the scheme being unviable, even without planning policy contributions. The scheme is forced to provide a No Net Loss Biodiversity contribution without which it would not be acceptable given the level of Biodiversity harm that would not be offset elsewhere. Officers would prefer the scheme to come forward with a full suite of planning policy contributions, however the independent viability exercise has concluded that the scheme could not come forward with additional contributions as this would incur the developer profit falling below the minimum recommended within the Planning Practice Guidance.

10.137 It should be highlighted that the independent appraisal noted that the outlook for the housing market is turning negative due to the increase in the Bank of England Base Rate which is feeding into elevated mortgage costs that, in turn, have the potential to significantly reduce house values in the medium term. That being said, should any excess profits emerge from the scheme due to unexpected falls in costs or up lifts in revenue, this would be captured via a viability review exercise to be secured via the Section 106 – this being included in the Officer recommendation to Strategic Committee.

10.138 Given the wider economic context in which this scheme is presented to Strategic Committee, the Officer recommendation for approval is made in the context of the significant benefits of bringing a derelict Mill back into use whilst contributing toward the housing need of the Borough.

## Representations

10.139 To date, a total of 184 representations have been received in response to the council's consultation and subsequent re-consultations whilst 3 representations were received from the Holme Valley Parish Council. The material considerations raised in comments following publicity of the application have been fully addressed in this report as follows:

### *Highway, Transport and PROW Matters*

- Intensification of substandard accesses to the site, not only for cars of the occupiers in the dwellinghouses but also delivery and postal vehicles.
- Insufficient capacity on the local highway network to accommodate extra vehicles.
- Lack of off-street parking for existing local residents displaced by the development on Spring Lane Requests for off-street parking provision.
- Lack of traffic generation information and limited consideration for school trips within the supporting Transport Statement.
- General criticism of the Transport Statement in respect of its assumptions.
- Highway safety concerns on Dobb Lane.
- Water Street and Spring Lane junction visibility inadequate.
- Lack of footways in the surrounding area is dangerous for pedestrians and this will be exacerbated by the development.
- Intensification of vehicular journeys on a local school route to the detriment of highway safety.
- Lack of access for emergency vehicles/access width issues.
- Concerns in respect of parking for residents on Water Street.
- Potential for obstruction to local PROW 95/10.
- Inadequacy of public transport serving the local area.

**Officer response:** The concerns raised in regard to highway safety and transportation are addressed in the main assessment above.

### *Character, Appearance, Heritage & Green Belt Matters*

- Changing the character of the Green Belt from its now Greenfield status.
- Inappropriate development in the Green Belt.
- Lack of provision for restoration and improvement of Mill Dam, the 2010 application allowed for this, for the benefit of all residents.
- Negative impact on the conservation area or the appearance of the wider style of the village.
- Over-intensification of the site due to the number (24), size and scale of the buildings proposed adjacent to the Mill.
- The shape of the proposed dwellings are not sympathetic to the Mill and the scale is out of keeping at 3 storeys in height.
- Units 1 and 2 will impact the character of the conservation area negatively.
- Site is now established woodland with trees in a conservation area set to be removed that have TPO status.

**Officer response:** The concerns raised relating to design, heritage and Green Belt have been addressed in the main assessment above.

### *Ecological & Sustainability Matters*

- Concerns regarding wildlife and the disruption to habitats from the development.
- Lack of river unit consideration within the Biodiversity Metric
- Contamination of the river during the construction/renovation process.

**Officer response:** The concerns raised relating to wildlife, protected species and Biodiversity off-setting have been addressed in the main assessment above.

- Lack of sustainable heating methods, such as a district heating network or air/ground source heat pumps.

**Officer response:** Though there is the ability to consider sustainable heating methods within schemes, there is no weight in local or national planning policy that can be attributed to justifying refusal of a proposal should such features not be included.

- Excessive on-site car parking is not in accordance with Kirklees' Climate Emergency.

**Officer response:** The level of car parking on the site complies with the requirements of the Highways Design Guide SPD and though the Council wishes to reduce reliance on vehicles, development decisions need to be realistic about the level of reliance rural communities have on private motor vehicles and plan accordingly.

#### *Residential Amenity Matters*

- Concerns in respect of privacy from windows serving the northern elevation of the mill building overlooking the properties on Water Street.
- Negative impact upon the amenity of the residents of Water Street and Dam Head/Spring Lane.
- Excessive noise, disturbance and odour (unspecified).

**Officer response:** The concerns raised relating to privacy and wider residential amenity concerns have been addressed in the main assessment above.

#### *Flood Risk Concerns*

- Concerns in respect of development within a flood zone and general concern for creation of flooding in the local area as a result of the development.

**Officer response:** The concerns raised relating to development within a flood zone and wider flood risk concerns have been addressed in the main assessment above. The proposal has been assessed as acceptable by both the Environment Agency and the LLFA.

#### *Miscellaneous Planning Matters*

- Complaints relating to the housing mix and lack of 2 bedroom units.

**Officer response:** This specific matter has been addressed in the main assessment above.

- Lack of affordable housing provision.

**Officer response:** This specific matter results from the viability of the scheme and has been addressed in the main assessment above.



- Lack of local facilities, therefore the development will be car reliant.

**Officer response:** Increases to population in a settlement often make existing business more viable through increased footfall and spend. The development site is within walking distance of public transport facilities on Woodhead Road and there are local shopping facilities on the same street within the village. The development will not be solely reliant on vehicular trips only.

- Local infrastructure incapable of supporting the new dwellings.
- Lack of school places to accommodate any new children in the area.

**Officer response:** Relevant consultees including Yorkshire Water, the Local Highway Authority and Northern Gas Network have not objected to the proposed development. Educational and health facility planning is subject to separate planning by relevant bodies who base infrastructure requirements on population trends.

### **Comments/Observations**

- Application red line runs over my property at Lower Waterside Barn

**Officer response:** The applicant has advertised the application in accordance with the requirements of Certificate D signed on the application form. A copy of the advertisement has been provided to the Council verifying that the application was advertised appropriately in the Huddersfield Examiner on 23<sup>rd</sup> February 2021. The reference for this is TM REF 901887910-01. A separate matter relating to a landscaping plan proposing to block an access point has also been rectified through submission of amended plans.

- Dam Wall is infested with Japanese Knotweed which could exacerbate the dam wall's integrity and cause a flood.

**Officer response:** This specific matter would be addressed through a condition set out in Section 12 below.

- Request for re-instatement of the PROW footpath upon its original legal route.

**Officer response:** This specific matter has been addressed in the main assessment above.

- Development must be in-keeping with the mill and the local area.

**Officer response:** This specific matter has been addressed in the main assessment above.

- Consideration should be given to access for refuse collection and service vehicles.

**Officer response:** This specific matter has been addressed in the main assessment above.

- Water Street should be re-surfaced to account for the increase in use.

**Officer response:** This specific matter would be addressed through a condition set out in Section 12 below.

- The development should adhere to the site yield of 19 units as advised in the Local Plan.

**Officer response:** The submission is for 19 units in accordance with the Local Plan Allocation requirement.

- Proposal for alternative road arrangement that would allow for a multi-lane carriageway where vehicles can pass.

**Officer response:** Such a design would not be feasible due to the constraints of engineering the site which would have an unacceptable impact on residential amenity, biodiversity and the character of the residential estate. The internal site levels and retaining wall would also likely prevent an acceptable internal highway gradient to be achieved. The distribution of vehicular movements across two accesses is the preferred design solution by KC Highways.

- PROW 95/10 remains obstructed due to historic development. The development should improve this situation.

**Officer response:** This specific matter has been addressed in the main assessment above.

- Request for a Committee site visit.

**Officer response:** The site has been visited by Strategic Committee members on the morning of the 3<sup>rd</sup> November 2022.

- Lack of documentation, especially in respect of Habitat Regulations Assessment concerning the Special Protection Area – Pennine Moors.

**Officer response:** This specific matter has been addressed in the main assessment above.

- Request for native planting in the soft landscaping scheme.

#### Other Matters

10.140 There are no other matters.

### **11.0 CONCLUSION**

11.1 The site has constraints in the form of its historic context (being an undesignated heritage asset within a conservation area), its topography, its location adjacent a Mill Dam and the River Holme, its highway accesses, the surrounding Green Belt and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant or can be addressed at conditions stage. The proposal poses less than substantial harm to the significance of the conservation area and undesignated heritage asset which is clearly outweighed by the public benefit of bringing the site back into

beneficial use through its contribution to housing need and upon the general improvements to the local area's visual amenity.

- 11.2 The quantum of development is in line with the indicative yield in the site policy of the Local Plan. Likewise, a viability process has been entered into and reviewed in detail by the LPA through an initial independent report and two subsequent addendums which confirm that the proposal is not able to provide planning obligations relating to affordable housing, sustainable travel or open space, though it is able to off-set the harm incurred to viability through an off-site contribution to be secured via a Section 106 Agreement. When weighed in the planning balance, the proposal has responded appropriately to the character and appearance of the surrounding area, and the quality of residential accommodation is considered acceptable.
- 11.2 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.3 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

1. TCPA Standard 3 Year Time Limit for Commencement;
2. Development in Accordance with Approved Document List;
3. Restrictions on occupation of the development to ensure Mill Conversion is completed;
4. Material Samples, Fenestration Detailing, Heritage Feature Retention Report (Prior to Commencement);
5. Archaeological Recording (Prior to Commencement);
6. Boundary Treatment Plan;
7. Obscure Glazing for Protection of Privacy of Water Street Residents;
8. Installation of Heritage Information Boards ;
9. Environment Agency Flood Risk Mitigation Measures;
10. Detailed Foul and Surface Water Drainage Design (Prior to Commencement);
11. Exceedance Event Assessment and Overland Flow Routing (Prior to Commencement);
12. Temporary Drainage Design (Prior to Commencement);
13. Lighting Design Strategy for Biodiversity;
14. Submission of a Phase II Intrusive Site Investigation Report for Contaminated Land (Prior to Commencement);
15. Submission of a Remediation Strategy for Contaminated Land (Prior to Commencement);
16. Implementation of Site Remediation for Contaminated Land;
17. Submission of Validation Report for Contaminated Land;
18. Protection of Private Water Supplies (Prior to Commencement);
19. Electric Vehicle Charging Points;
20. Construction Management Plan (Prior to Commencement);

21. Submission of Structural Retaining Wall Details (Prior to Commencement);
22. Submission of Highway Structure Details within the Carriageway (manholes etc) (Prior to Commencement);
23. Submission of Retaining Wall Facing Materials;
24. Submission of Tree Protection Plan;
25. Submission of Waste Management Plan;
26. Submission of Temporary Waste Management Plan;
27. Submission of Pre and Post Development Highway Condition Survey (Prior to Commencement);
28. Private Access Road Surfacing Details (Prior to Commencement);
29. Submission of the details relating to the Parking Layby proposed on Spring Lane/Dam Head (Prior to Commencement);
30. Parking Area Surfacing;
31. Construction Environmental Management Plan: Biodiversity (Prior to Commencement);
32. Landscape Ecological Design Strategy (Prior to Commencement);
33. Public Open Space Details;
34. Removal of Invasive Plant Species;
35. Protected Species Licence (Prior to Commencement);
36. PROW Alignment, Construction and Safety Details.

**Background Papers:**

Application and history files.

[link to planning application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90800>

Certificate of Ownership – Certificate D signed and advertised in the Huddersfield Examiner on 23<sup>rd</sup> February 2021. The reference for this is TM REF 901887910-01.