

**KIRKLEES METROPOLITAN COUNCIL**

**PLANNING SERVICE**

**UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY**

**STRATEGIC PLANNING COMMITTEE**

**11 JANUARY 2018**

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**Planning Application 2017/90620**

**Item 12 – Page 35**

**Planning permission for demolition of existing buildings, change of use of existing building to mixed uses comprising B1a (offices)/B1c (light industrial) and C3 (up to 27 dwellings) and associated parking and outline permission for erection of 75 dwellings**

**Dobroyd Mills, Hepworth Road, New Mill, Holmfirth, HD9 1AF**

**RECOMMENDATION:**

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

Education - £204,981 – Hepworth J and I School and £180,836 – Holmfirth High School

Public Open Space – £53,590 and LAP (play area) contribution of £44,100 with a formula to be incorporated into the S106 allowing recalculation depending on the nature of any subsequent reserved matters for the outline element.

Management of Public Open Space

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

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

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

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

## Proposed Development

The description of development has been amended following comments from Highways DM concerning the change of use element. Due to concerns raised regarding the servicing of the existing building, the B1c (light industry) element has been removed. The development description has therefore, been revised to the following:

**Planning permission for demolition of existing buildings, change of use of existing building to mixed uses comprising B1a (offices) and C3 (27 dwellings) and associated parking and outline permission for erection of up to 75 dwellings**

The office element would comprise up to 650m<sup>2</sup> floorspace.

## Highways DM consultation response

The applicants have now provided additional information comprising a qualitative assessment of pedestrian routes and swept path information in addition to the information originally submitted with the application.

These revised proposals address initial highways concerns regarding the operation requirements of the employment use which is now to be B1 office only, the provision of a turning head within the first phase of the development, cycle storage and traffic generation.

The bin store is still not shown to be ideally situated. However, swept path analysis shows that a refuse vehicle can access the bin store through the car park and the provision of motorcycle parking could be required by condition.

The qualitative assessment of the pedestrian infrastructure / linkages in the vicinity of the development site concludes that the level of provision is typical of a village environment with the linkages to adjacent bus stops considered to be good with a footway with dropped kerbing being provided in all cases.

West Yorkshire Combined Authority has requested the following S106 public transport contributions:

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

The anticipated increase in traffic generation through the New Mill junction from this site is estimated to be 39 movements. A contribution of £33, 880 is therefore considered necessary.

## *Parking*

The change of use element includes 78 car parking spaces to accommodate the residential and office element (31 spaces for B1 office and 47 spaces for residential). Highways DM have assessed these proposals and consider that the parking provided is in line with the standards set out in the UDP and raise no objections.

These proposals are now considered acceptable from a highways point of view subject to those additional conditions detailed at the end of this update and provisions set out to be secured by S106 agreement.

### Representations

The applicant has provided a response to a number of specific points of objection detailed in the officer report relating to the submitted Transport Assessment. The applicant provides the following rebuttal:

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

Response – *The applicant has prepared a Qualitative Assessment of Pedestrian Routes in the area which addresses these points. The further technical notes submitted show that the predicted increase in flows particularly on Bank Street are modest (about 1 extra vehicle movement per minute with no discounting of existing traffic on the site) and fall well within the capacity of these roads taking in to account on street parking and road widths.*

Objection - Para 3.2.8 of the submitted Transport Assessment. Safe routes access to access the school could be improved and does not reflect the increased traffic of parents bringing children to school by car, does not offer alternatives to access to school by car.

Response – *The applicant has prepared a Qualitative Assessment of Pedestrian Routes in the area. The routes to school are via low speed, lightly trafficked roads which are conducive to walking and cycling and use could also be made of any public rights of way.*

Objection - Para 3.2.9 of the submitted Transport Assessment does not address safe access to the A616 from Jackson Bridge with increased traffic flows and no mitigating action.

Para 3.3.5 'With the additional on-site pedestrian facilities, it is concluded that safe and convenient access to the site is readily available for pedestrians.' This fails to address the off-site pedestrian facilities that will support a safe and sustainable transport plan for the site e.g. safe routes to school, safe access to bus stops.

Para 3.3.9 presents no evidence on how ' In consideration of the above, it is judged that there are practical and convenient links available to and from the proposed development offering the potential for residents to walk or cycle to local facilities and employment areas.' It fails to demonstrate how safe cycle routes to the surrounding amenities will be maintained given increased traffic

flows and current lack of dedicated cycle lanes on the surrounding highway infrastructure.

*Officer response - A qualitative assessment of the pedestrian infrastructure / linkages in the vicinity has been undertaken and improved pedestrian facilities are proposed to the site frontage. The development proposals are only likely to add about 7 pedestrian movements on to any of the footways within the vicinity of the site during peak hours (and lower volumes the rest of the day). The carriageway widths are such that there is no real scope to widen any of the footways without compromising the safe movement of large vehicles.*

Objection - Para 3.4.4 of the Transport Assessment assumes that the current public transport options will remain in perpetuity, this highly unlikely to be the case. Have the applicants had any discussion with providers and KMC on continued provision of public transport to the site and its environs?

*Response – The applicant is not aware of any planned service reductions in the short term.*

Objection - Para 3.6.1 of the Transport Assessment describes a single survey Thursday 17th March 2016) between 07:00 and 09:30 and 16:00 to 18:30, this does not provide sufficiently robust data upon which to base conclusions. Further surveys should be carried out and include weekends/evenings to understand the impact of the current retail/cafe facilities as a proxy for those proposed in the development.

*Response - It is normal practice to carry out surveys on a single typical day and month (Thursday and March being typical). An automatic survey (tubes across the road) on Hepworth Road carried out at the same time showed the turning count was representative – the flows on this road at the weekend were shown to be similar / slightly higher with the café use but as this will be removed then the comment is no longer relevant.*

Objection – paragraphs 5.2.3 and 5.4.4 of the Transport Assessment significantly underestimate the potential impact of traffic. The development proposes 93 residential units and estimates only 51 departures in the morning peak. This does not seem to reflect the realities of families taking children to school or leaving for employment in the known commuting conurbations from Hepworth of Huddersfield, Halifax, Wakefield, Bradford, Leeds and Manchester.

*Response* - We have used high percentile residential traffic generation rates acceptable to KMC Highways Officers – not all residents depart during a single peak hour and for some of the destinations quoted would depart earlier than that.

Objection - Section 5.6 does not reflect the reality of the impact of on-street parking and traffic flow on Bank Street, especially two way flow at peak times and safe ingress/access to the A616. The conclusion in para 5.6.5 is

erroneous and further analysis of offsite junctions, including current and future layouts should be considered.

*Response - The comments on traffic flows are perhaps made based on the original development proposals – the current proposals will generate substantially less traffic than that (between 16 to 25% less in AM / PM peaks). The proposals will only increase flows along Bank Street by a modest amount (by 1 extra vehicle movement per minute at peak times with no discounting of existing traffic on the site) and will still be well within their operational and safe capacities.*

Highways DM have reviewed with the responses provided by the applicant and concur with those responses provided above. In addition, a number of objections set out in the officer report are addressed as follows. In response to those objections set out on pages 42 – 46 and not covered above, Highways DM make the following comments:

*Officer response - The light industry and restaurant/café facilities have been removed from the application. This results in a reduction in anticipated traffic generation from a potential 120 two way peak hour movement to 53. An assessment of the Bank Street/A616 junction demonstrates that this junction should still operate well within capacity following completion of the development. It is anticipated that 72 percent of traffic from the development site will use the Bank Street/A616 junction turning left out or right in. This leaves 28 percent or 15 vehicles in the peak hour using any other potential routes which shouldn't have a significant impact.*

*The proposal is in part an outline application with all matters reserved except for access. Appropriate treatments affecting any PROW's (Public Rights of Way), including surfacing or other improvement works would be expected and could be considered/conditioned with any reserved matters application.*

*A qualitative assessment of the pedestrian infrastructure / linkages in the vicinity has been undertaken and improved pedestrian facilities are proposed to the site frontage. This qualitative assessment concludes that the level of provision is typical of a village environment with the linkages to adjacent bus stops considered to be good with a footway with dropped kerbing being provided in all cases.*

*A condition requiring a construction management plan is proposed in the event that planning permission is granted.*

*The light industry and restaurant/café facilities have been removed from the application.*

*There are bus stops on Bank Street, Hepworth Road and Scholes Road to the north of the site and further stops on Butt Lane to the south of the site. All these stops are within 400m walking distance of the development and can be reached by either the proposed new spine road junction with Hepworth Road or the right of way on to Butt Lane. The 310, H7 and X7 services use these stops. The 310 service operates between Hepworth, Scholes, Holmfirth and Huddersfield every 30 minutes during the day Monday to Saturday and hourly*

*during the evenings and on Sundays. The H7 runs twice a day Monday to Friday between Hepworth, New Mill and Holmfirth. The X7 is a limited stop service between Hade Edge, Hepworth, New Mill and Huddersfield operating once during the weekday morning peak hour. The 310 service runs between Hepworth, Honley and Huddersfield taking between 45 and 50 minutes to reach Huddersfield H7 is operated by Stott's Coaches runs only twice a day between Hepworth and Holmfirth at 9.30 and 10.00 from Hepworth and 10.15 and 11.15 back from Holmfirth the B service from Holmfirth includes Scholes Moor and Hade Edge. X7 is also operated by Stott's Coaches runs once a day between Hade Edge and Huddersfield at 07.33 from Hade Edge arriving at 08.25 at Huddersfield. There doesn't seem to be an X7 return service. The only service to Holmfirth is the morning Stott's H7 service.*

### Planning Obligations

Following numerous amendments to the scheme, the required contributions have been recalculated:

### Education

On the basis that the scheme constitutes a total of 102 residential units, the following would be required:

£204,981 – Hepworth J and I

£180,836 – Holmfirth High School

### Public Open Space

Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. As the proposed change of use includes 27 dwellings, and this could be implemented independently of any reserved matters coming forwards for the outline proposals, a calculation has been run as follows:

Landscape comments - The 27 units equates to 608m<sup>2</sup> or £53,590 lump sum contribution requirement. If the 27 units were as a standalone development they would also trigger the LAP requirement which adds an additional £44k. However, as it is a hybrid application, the scheme as a whole triggers the LEAP so we would consider this covers the 27 units.

It is therefore, recommended that the £53,590 and LAP contribution of £44,100 is incorporated into the S106 agreement; a figure which may be altered depending on the nature of any subsequent reserved matters on the outline.

### Affordable Housing

The proposal would result in a requirement to provide 20% affordable housing (20 units) across the site.

Vacant building credit is a material consideration and is set out as such in the Council's Interim Affordable Housing policy.

The total floorspace indicatively proposed at this stage is £9,375m2 with 9,009m2 comprising vacant floorspace. On this basis, Strategic Housing considers that an affordable housing equivalent of £76,249 would be required given the vast floorspace qualifying as vacant building credit. However, at this stage the total floorspace and quantum of development is unknown. If the change of use element was applied independently then in effect, the affordable housing contribution would be 'cancelled out' by the vacant building credit in this case.

### New Mill Junction Improvements

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

### Transport

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

### Clarification

The Drainage Officer raises no objection subject to the conditions set out in the main report.

The conditions below are proposed in addition to those specified in the officer report:

#### Outline

- Standard outline (3 years implementation/2 years final reserved matters approved).
- 2m wide footway to Hepworth Road frontage, details to be submitted to and agreed.
- Scheme of proposed internal roads to be submitted with reserved matters.

#### Full

- Proposed car park to be laid out prior to occupation of building
- 2m wide footway to Hepworth Road frontage, details to be submitted to and agreed.
- Scheme of proposed internal roads to be submitted prior to commencement.
- Construction method statement.
- Method statement for reinstatement of building

*Proposed condition no's 5 and 6 in officer report to be deleted as they are dealt with by way of S106 agreement.*

**Reserved matters application pursuant to outline permission 2014/93248 for erection of residential development (48 dwellings)**

**Land off, Stoney Bank Lane, Thongsbridge, Holmfirth**

DELEGATE approval of this application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement that could include the following contributions (subject to viability-details that will be included within a confidential paper).

Affordable Housing – 20% Affordable units as Starter Homes.

Public Open Space (POS) – play area to be agreed and provided on site. Off-site contribution of £20,474 for play equipment/improvement. Future maintenance of POS area.

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

Additional Representations

A further objection has been received from the occupier of The Old Tank House. They consider that the red-line boundary relating to application 2017/93053 and 2017/93609 is incorrectly placed and effectively incorporates land associated with The Old Tank House. In response, the applicant has submitted land registry information which clearly shows that the correct certification has been completed by the applicant and the red-line boundary as proposed is consistent with the land registry details provided.

Materials/Viability

The applicant has submitted a viability appraisal which has been assessed by the District Valuer on behalf of the Council. This reveals a difference of opinion between the two submissions in terms of the viability of the scheme. If Members wish to explore this further, a private appendix/confidential paper has been circulated.

Notwithstanding this, the applicant proposes the following:

- 20% affordable units as starter homes
- Natural stone to those properties on the frontage of Stoney Bank Lane (9 units)



- The provision of natural play equipment/trim trail within the area of Public Open Space (POS) within the site boundary and a financial contribution of £20,474 towards off-site play provision

It is considered that the above proposal offers policy compliance in terms of affordable housing and also addresses POS policy requirements.

In respect of the proposed materials, policy BE11 of the UDP is particularly relevant in this case. BE11 states that new development should be constructed of natural stone of a similar colour and texture to that prevailing in the area where the proposal is located and within Conservation Areas. Outside such areas, proposed materials should reflect the predominant materials adjacent to and surrounding the site, provided that such materials are not detrimental to visual amenity.

The applicant has demonstrated that the most prominent dwellings would be those facing Stoney Bank Lane. These would be constructed of natural stone and the existing stone wall would be incorporated into the scheme to create an attractive frontage. The remaining units would be constructed of a high quality artstone product which is considered by officers to represent a good quality material. The proposed dwellings are considered to be well designed and the use of artstone on other units within the site would assimilate with the natural stone units along the frontage. It is noted that there are other units within the local area (notably The Old Tank House adjacent) which are not natural stone. In addition, the site does not lie in a Conservation Area. Therefore, in this case, the fact that the applicant is not able to provide stone throughout the development is not considered to be detrimental to the character and appearance of the area given the use of a high quality alternative material for dwellings in less prominent locations within the site.

### Highways

Notwithstanding the submitted plans, Highways DM request that a condition be imposed requiring the proposed driveways at plot no's 50 and 52 to be increased in width in order to assist manoeuvrability out onto Stoney Bank Lane.

As detailed in the officer report, a number of highways mitigation measures (including S106 contributions) were secured as part of the outline planning permission.

### Conditions

The following additional planning conditions are recommended:

- Notwithstanding submitted details, revised driveway details to be submitted and agreed regarding plot no's 50 and 52.
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**Erection of 4 dwellings and change of use of land as domestic garden area and areas of public open space**

**Land at, Stoney Bank Lane, Thongsbridge, Holmfirth**

See 2017/93053 summary as the issues identified are applicable.

**For demolition of existing building and erection of 695 dwellings**

**Black Cat Fireworks Ltd, Standard Drive, Crosland Hill, Huddersfield, HD4 7AD**

For information Relevant Emerging Local Plan policies include;

PLP38 Minerals Safeguarding.

1. Surface development will only be permitted within a Mineral Safeguarded Area where it has been demonstrated that:
  - a. the mineral concerned is proven to be of no economic value as a result of the undertaking of a Mineral Resource Assessment;
  - or b. the development will not inhibit mineral extraction if required in the future; or
  - c. there is an overriding need for the development; or
  - d. the mineral can be extracted prior to the development taking place .

This policy is applicable to this site, and this scale of development, as such as part of any application submission the applicant will need to demonstrate that the extraction of any remaining mineral resource is not viable, or there is an overriding need for the development.

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