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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 08-Mar-2018**

**Subject: Planning Application 2017/94336 Part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas (Listed Building) Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD**

**APPLICANT**

R Cooke, Prospect  
Estates Ltd

**DATE VALID**

28-Dec-2017

**TARGET DATE**

29-Mar-2018

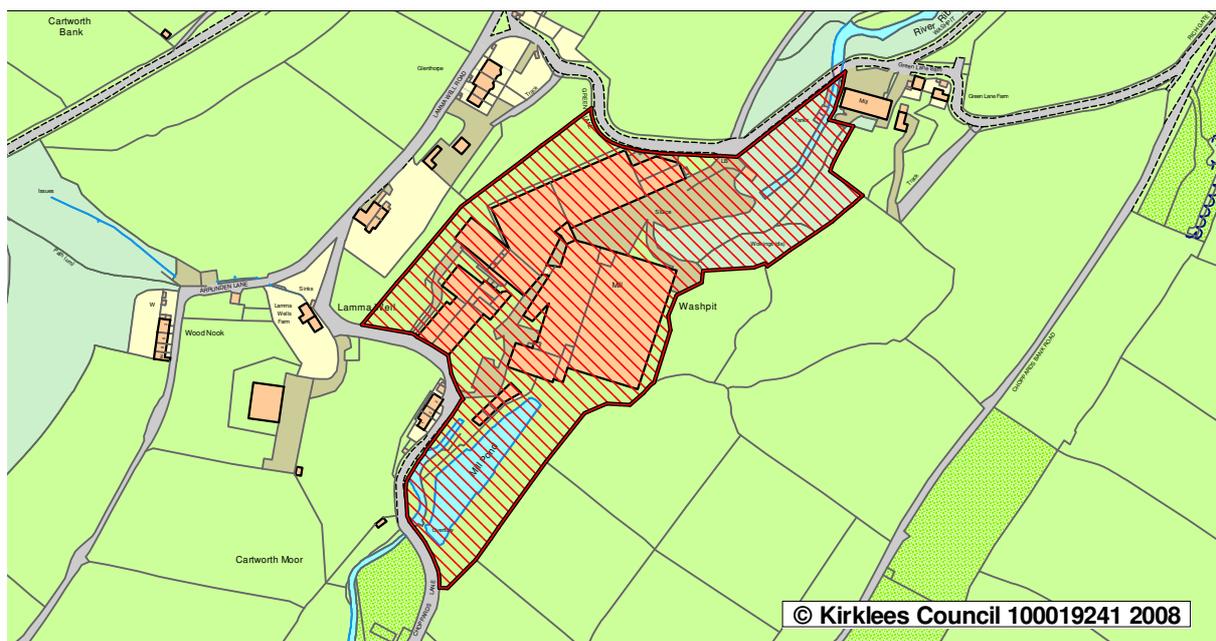
**EXTENSION EXPIRY DATE**

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

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

**LOCATION PLAN**



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

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**Electoral Wards Affected: Holme Valley South**

Yes

Ward Members consulted

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**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:

1. £52,808 towards Education requirements arising from the development
2. Contribution towards Metro Cards (£10,000)
3. Detailed scheme for the provision of the POS and future maintenance and management responsibilities of the POS and other open space areas within the site
4. Future maintenance and management arrangements for the culverted watercourse and other surface water drainage infrastructure within the site and the mill pond

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 Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**1.0 INTRODUCTION:**

- 1.1 The application is brought forward to the Strategic Committee because of the scale of the development, in accordance with the delegation agreement.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises of approximately 3.5 hectares of land located within the cleft of a steep sided valley with significant changes in levels across the site.
- 2.2 The site is a former textile mill which ceased operating in December 2015 and comprises a range of buildings and hardstanding areas. There is a mixture of building styles and scales on the site, including a grade II listed building, stone mill buildings and warehouse type buildings.
- 2.3 There is a culverted section of the River Ribble running through the site, a mill pond in the south west part of the site and an area of mature trees to the north east.

2.4 The site is bounded to the north by Green Lane which links to Washpit New Road. To the south is Choppards Lane. To the south east are fields which slope up the valley side to Choppards Bank Road. To the northwest are a variety of properties along Lamma Well Road with sloping fields beyond

2.5 The site lies within the Green Belt.

### **3.0 PROPOSAL:**

3.1 The application is for the part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas.

3.2 The proposals include a scheme to provide a footway along Washpit New Road between the site and Dunford Road.

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

**2017/94337** Listed Building Consent for conversion of listed building to form private gymnasium and demolition of curtilage buildings – Linked Listed Building Consent application and reported elsewhere on this agenda

**2017/92061** Certificate of lawfulness for continuation of existing B2/B8 use with ancillary use – Certificate of Lawful Use Granted (relates to part of the application site only)

**2016/93428** Part demolition of existing mills and erection of 45 dwellings and 16 apartments. Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park. Conversion of mills to hotel and offices – Appeal against non-determination dismissed (further details contained within assessment)

**2016/93429** Listed Building Consent for extensions and alterations to form hotel and offices – Appeal against non-determination dismissed

Adjacent to the site:

**2017/93836** Prior approval for proposed change of use of offices to 11 apartments – Refused on the grounds of lack of any off-street parking combined with the substandard nature of the surrounding highway network for pedestrians to access public transport

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

5.1 The application has been the subject of a formal pre-application enquiry which was reported to this committee on 11<sup>th</sup> January 2018.

5.2 In response to concerns raised over the loss of one of the mill buildings the applicant has amended the scheme to retain the mill building in question. The building would be used as storage in connection with the proposed business

within block E (The Carding Shed). As a result of this change the total number of dwellings has been reduced from 51 to 49.

## **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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site lies within an area of designated Green Belt on the UDP Proposals Map. A small area in the middle of the site is identified as an archeological site.

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

BE1 – Design principles  
BE2 – Quality of design  
BE11 – Materials  
BE9 – Archaeological value  
BE10 – Archaeological evaluation  
BE12 – Space about buildings  
BE23 – Crime prevention  
T1 – Transport strategy  
T10 – Highway safety  
T16 – Safe pedestrian routes in new developments  
T19 – Parking standards  
B1 – Employment needs of district  
B4 – Premises and sites with established use for business and industry  
H1 – Housing Needs of district  
H18 – Provision of open space  
G6 – Land contamination  
NE9 – Retention of mature trees  
EP4 – Development and noise  
EP11 – Landscaping and ecology  
S1 – Town Centres/Local Centres shopping

6.4 The site is allocated as Green Belt within the Draft Publication Local Plan.

6.5 Kirklees Publication Draft Local Plan Policies: Submitted for examination April 2017:

PLP1 Presumption in favour of sustainable development  
PLP3 Location of new development  
PLP7 Efficient and effective use of land and buildings  
PLP8 Safeguarding employment land and premises  
PLP10 Supporting the rural economy  
PLP13 Town centre uses  
PLP 20 Sustainable travel  
PLP21 Highway safety and access  
PLP22 Parking  
PLP23 Core walking and cycling network  
PLP24 Design  
PLP27 Flood Risk  
PLP28 Drainage  
PLP30 Bio diversity and geodiversity  
PLP32 Landscape  
PLP33 Trees  
PLP35 Historic Environment  
PLP51 Protection and improvement of air quality  
PLP52 Protection and improvement of environmental quality  
PLP 53 Contaminated and unstable land  
PLP63 New open space

6.6 National Planning Policies:

National Planning Policy Framework:-

Core planning Principles

NPPF Chapter 1 Building a strong, competitive economy  
NPPF Chapter 2 Ensuring the vitality of town centres  
NPPF Chapter 3 Supporting a prosperous rural economy  
NPPF Chapter 4 Promoting sustainable transport  
NPPF Chapter 6 Delivering a wide choice of high quality homes  
NPPF Chapter 7 Requiring good design  
NPPF Chapter 8 Promoting healthy communities  
NPPF Chapter 9 Protecting Green Belt land  
NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change  
NPPF Chapter 11 Conserving and enhancing the natural environment  
NPPF Chapter 12 Conserving and enhancing the historic environment

Supplementary Planning Guidance / Documents:

6.7 None

National Planning Guidance:

6.8 Planning Practice Guidance: Planning obligations

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Application advertised by site notices, neighbour notification letters and press advert. Final publicity date expired 16<sup>th</sup> February 2018.

7.2 Representations: 17 objections received along with a detailed petition signed by 59 local residents that was also sent to members of the committee.

7.3 A summary of the representations is provided as follows:

Highway matters:

- Development does not address Inspector's concerns
- Significant increase in traffic and impact on highway safety
- Wider road network already unable to cope with existing volume of traffic at busy times. Development will make this worse.
- Nature of surrounding road network not suitable to accommodate the additional traffic generated
- Development will increase traffic on Washpit New Road in the peak hours
- Development will generate trips far in excess of historic levels and scale of development needs to be reduced
- No modelling carried out for traffic generated by visitors to the café and shop
- Cumulative impact of this and other planned developments in this area.
- New footway inadequate and dangerous
- Washpit New Road and Green Lane not wide enough to accommodate a roadway and pavement as proposed.
- A low kerb to separate traffic and pedestrians insufficient to ensure pedestrian safety.
- Electric power poles along Washpit New Road will compromise the width of the new footway; this will affect wheelchair users and pushchairs.
- Alterations to Washpit New Road do not conform to guidelines; width of carriageway should be 5.5m with a 1.5m or 2m footway.
- Lack of safe passageway for pedestrians will mean higher car usage
- Proposed parking is inadequate, especially considering the size of the café and number of employees. On-street parking not possible in this location.
- Amount of parking for Blocks A and C inadequate
- Vehicle access points inadequate for the proposed increase in traffic
- HGVs use Washpit New Road
- Detrimental to highway safety including foot/cycle/horseback/mobility scooter users
- Carding Shed employees already parking on the road
- Local road network unsuitable to accommodate this type and scale of development
- Concerns with how children will get safely to and from school
- Sat navs will bring people via unsuitable routes
- HGVs get stuck on surrounding roads
- Instances of vehicles damaging walls and property because roads too narrow; these won't be recorded in the accident statistics.
- The road through the site needs to accommodate public use by walkers, cyclists and horse riders.
- Works to upgrade local PROW network should be provided
- Development may increase use of Dover Lane which is a private road

### Visual amenity:

- Height of Block A previously aligned with one of the mill buildings (Block D) that is now to be demolished. Height of Block A will have a significant impact on the overall impression of the site and detract from the setting of the listed building.
- Visual impact of parking
- Recent restoration work to Block E sub-standard; glass has not been replaced so offers no sound insulation

### Listed building (private gymnasium for residents):

- Building is too large to be solely used as a private gym and the conversion and operational costs associated with the proposed use would be commercially unsustainable/unviable.
- Concerns with the potential hours of operation and noise. The gym should be controlled so as to limit impacts.

### Amenity:

- The Carding Shed's own publicity suggests that evening events will take place; this is at odds with the hours of use indicated in the application. Hours should be controlled to those proposed. Concerns if evening events were to take place.
- Light pollution
- POS is a long way from the new housing. Recreational area adjacent to the mill pond unsuitable for children.
- Potential noise from the gym. Hours of use not stated.

### Drainage/flood risk:

- Question the integrity of the structures supporting the mill pond. Block M needs to be protected. Assessment of mill pond required.
- Mill pond is supplied by a culvert in adjacent land and this should be assessed as the continued supply of water to the pond relies on it.

### Ecology:

- Light pollution affecting wildlife

### General comments:

- Support the principle of redeveloping the site but concerns raised with the proposals.
- Overdevelopment of the site
- The ancillary uses within Block E would not fall within the established use, contrary to statement within the application.
- Café is not small or ancillary
- Proposals are vague and possibly misleading
- Carding Shed already trading from the site
- Local schools at capacity

**Holme Valley Parish Council** – “Support the application subject to satisfactory sight lines at Washpit New Road and Listed Building Officer being satisfied”.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**Environment Agency** – No objections on flood risk grounds. Records show an authorised landfill present on part of the site that is now closed.

**KC Flood Management & Drainage** – Support the application subject to conditions

**KC Highways** – No objections

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

**KC Environmental Health** – No objection subject to conditions

**KC Ecology Unit** – No objections subject to conditions

**KC Trees Officer** – No objections

**KC Conservation & Design** – Particular concern raised with the loss of one of the listed curtilage buildings. This concern has been addressed through an amendment to the scheme which now retains this building. No objections to the conversion of the principal listed building.

**KC Landscaping section** – Development triggers requirement for POS and a LAP.

Details of hard and soft landscaping required as well as bin storage arrangements and location of grit bins. Recommend a condition for a detailed landscape plan and long term management.

**Yorkshire Water** – No objection subject to conditions

**KC School Organisation & Planning** – Contribution of £54,963 towards local school place provision required (based on 51 dwellings).

**Police Architectural Liaison Officer** – No objection subject to a condition requiring details of crime prevention and security measures to be incorporated into the development.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations

- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The application is for the part demolition of existing mill buildings and erection of residential development (49 dwellings) along with the conversion of a listed building to form a private gymnasium for residents and workers of the proposed development. The proposals also include the re-use and alteration of part of the existing mill to form a workshop, car storage, and associated ancillary facilities including café, shop and office space plus the formation of a car park.
- 10.2 The proposal is a revision of a mixed use scheme that was refused by the Planning Inspectorate in September 2017 following an appeal against non-determination (application 2016/93428). A comparison of the main differences between this previous application and the current application is provided in the table below.

<b>Feature</b>	<b>Previous Application (2016/93428)</b>	<b>Current Application (2017/94336)</b>
Residential development	61 units (comprising 45 houses and 16 apartments)	49 units (exclusively houses)
The Carding Shed business (Block E)	Workshop, car storage, retail and ancillary office space (restaurant and function suite removed at appeal stage)	Workshop, car storage, and associated ancillary facilities including café, shop and office. Additional storage provided within Block D.
Listed building (Block L)	Hotel with ancillary gym/spa and conference room. Building to be extended.	Private gymnasium for residents and workers of the Washpit Mills site. No extension to the building.
Block M	Offices	Residential (4 townhouses)
Works to Washpit New Road	£50,000 contribution towards a scheme to provide a delineated pedestrian walkway between the site and Dunford Road	Applicant to provide a footway between the site and Dunford Road. Footway to be delivered via s.278 agreement.
Parking spaces	241	235

- 10.3 In dismissing the appeal on application 2016/93428 the Inspector identified the main issues to be:

- the effect of the proposal on the safe and efficient operation of the highway;
- the availability of alternative modes of transport; and

- whether the proposal would preserve a Grade II listed building, Washpit Mill, and any of the features of special architectural or historic interest that it possesses.
- 10.4 The appeal decision is a highly significant material consideration in the determination of the current application.
- 10.5 The current proposal seeks to address the main issues as set out within the appeal decision. The proposal is for a lesser quantum of development; the total number of residential units has been reduced from 61 to 49 and a hotel and stand-alone offices have been omitted. The proposals include details of a scheme for the provision of a footway along Washpit New Road and the application is supported by new Transport Assessment.
- 10.6 A certificate of lawfulness (Ref: 2017/CL/92061/W) issued last year establishes a general industrial use (Class B2) and a storage/distribution use (Class B8) for the majority of the floorspace in one of the retained industrial buildings (Block E). This building would accommodate the proposed workshop and car storage and both of these uses would fall within the established use of the building. The appeal inspector commented that the other buildings on the site, whilst vacant, also benefit from an established general industrial use (Class B2).

#### Green Belt considerations

- 10.7 The site lies within a designated Green Belt. It was accepted that the previous scheme would not amount to inappropriate development in the Green Belt, affect its purposes or significantly reduce openness. This is because the proposal related to the redevelopment of previously developed land which would not have a greater impact on openness or the purposes for including land within the Green Belt.
- 10.8 The amount of new and retained development across the previous and current schemes is comparable in terms of built form and massing. The main difference is that the current proposal does not include an extension to the listed building unlike the previous application.
- 10.9 Given the similarities between the previous and current schemes it is considered that the development is acceptable with regards to Green Belt considerations and the application accords with chapter 9 of the NPPF.

#### Highway safety:

- 10.10 Under the previous application the Inspector held that, notwithstanding the established industrial use of the site, there would be an increase in traffic movements on Washpit New Road (which was generally accepted as the main route to the site) with resultant impacts on the wider road network. There was uncertainty as to the degree to which this increase in movement would lead to a severe, cumulative impact on the wider road network because there had been no direct quantification of the effect of the predicted movements on existing road conditions at key locations where congestion occurs.
- 10.11 The applicant has submitted a Transport Assessment (TA) dated December 2017 and a Framework Travel Plan dated 22<sup>nd</sup> December 2016. The TA was

prepared on the basis of the 51 dwelling scheme which has subsequently been reduced to 49 during the course of the application.

- 10.12 The amended scheme is for 49 dwellings and approximately 5,200m<sup>2</sup> of non-residential floor space. The amended scheme represents a reduction of two dwellings and an increase in the non-residential floor space of approximately 1,300m<sup>2</sup>. This increase in non-residential floorspace is because of the retention of an existing mill building (Block D) which would be used as storage in connection with the proposed Block E uses (The Carding Shed).
- 10.13 Trip generation estimates for the proposed development have been produced from TRICS 85<sup>th</sup> percentile trip rates for the residential element and from actual data associated with the workshop, car storage and associated ancillary facilities based on the operation of the IK Classics operation at their former Dobroyd Mill site in Hepworth.
- 10.14 The staffing of the IK Classics operation is explained in the TA and comprises 10 staff at the car storage and restoration business and 9 staff at the café during weekdays. At the weekend, there are no staff at the storage and restoration business and 15 staff at the café. In terms of visitors, the workshop can accommodate a maximum of 20 visitors at any one time by prior arrangement. The café expects 100 customers on a high season weekday with a maximum of 60 covers occupied at any one time and 300 customers on a high season weekend day with a maximum of 100 covers occupied at any one time.
- 10.15 As set out in the TA the opening hours of the IK Classics operation is 08:30 to 17:00 for the workshop and car storage element on weekdays only. The café opening hours are 10:00 to 16:00 on weekdays and 09:30 to 16:30 on weekends. This is the basis upon which Highways Development Management have assessed this application.
- 10.16 Highways Development Management have interpreted the information provided to estimate the hour by hour two-way generation that can reasonably be expected from this development proposal as follows:

Weekday and Weekend Vehicle Trip Estimate:

Hour Beginning	Two-Way Vehicles - Weekday	Two-Way Vehicles – Weekend day
07:00	19	10
08:00	48	12
09:00	8	26
10:00	9	39
11:00	17	48
12:00	25	58
13:00	29	50
14:00	29	50
15:00	25	45
16:00	30	47
17:00	53	10

- 10.17 The assignment of development trips to the network is limited and it is expected the vast majority of trips will utilise Washpit New Road to enter and exit the site. Reference has however been made in the TA to the location of schools and the routes that would most likely be used to access these schools. It is estimated that there would be 3 school based trips on Lama Well Road / Cartworth Road

to access Holmfirth Junior, Infants and Nursery School and 3 school based trips on Choppards Bank / Cote Lane to access Hade Edge Junior School.

- 10.18 Although there is dispute about the potential level of generation that could result from the re-use of the existing buildings on the site without any need for planning permission, it is reasonable to make some allowance. The reasonably modest traffic generation levels estimated for the proposed development could therefore be largely off-set against uses that could occupy the existing buildings. The nature of the trips could however be different with employment uses generating mainly inbound trips in the AM peak and outbound trips in the PM peak. The type of some vehicles could also be more commercial in nature.
- 10.19 To provide a sound baseline, network traffic counts were undertaken at the following locations:
- Seven day automatic traffic count on Cartworth Road (March 2017);
  - Seven day automatic traffic count on Dunford Road (March 2017);
  - Seven day automatic traffic count on Washpit New Road (March 2017);
  - Peak hour turning count at A6024 / Victoria Street (November 2017);
  - Peak hour turning count at Town Gate / B6106 / Hollowgate / A635 (November 2017);
  - Peak hour turning count at South Lane / B6106 (November 2017);
  - Peak hour turning count at Hollowgate / Rotcher Road (November 2017);
  - Peak hour turning count at B6106 / Washpit New Road / Underbank (November 2017);
  - Peak hour turning count at B6106 / Cross Gate Road / Choppards Bank Road (November 2017);
- 10.20 Full details of baseline traffic volumes and turning movements have been provided within the TA.
- 10.21 The impact of development traffic on Washpit New Road has been calculated from the automatic traffic count data. This shows a baseline 5 day average northbound flow of 19 and a southbound flow of 18 in the AM peak. Adding 20 inbound and 28 outbound development trips (no adjustment for school routes) equates to an increase in flow of 130%. However, the baseline is low and even when development flows are added the northbound and southbound flows are less than one vehicle per minute.
- 10.22 As set out within the appeal decision the previous application failed to adequately consider the impact of development on off-site junctions. This omission has now been rectified and the current application does examine the current operation of Holmfirth town centre junctions and the queue lengths that result and the impact that the development will have. The findings are as follows:
- Town Gate / B6106 / A635:  
The AM peak estimate of development traffic generation is for 28 outbound trips. An assessment of likely assignment to the network shows 15 of these turning left out of Washpit New Road down Dunford Road into Holmfirth. Base flows arriving at the junction along Dunford Road total 363 of which 15 additional development trips equates to a 4% impact. Current operation of this junction shows minimal queues of typically 4, 5 and 6 vehicles on the Dunford

Road approach with a maximum recorded queue length in the AM peak of 12 vehicles.

- A6024 / Victoria Street:

Five of the 15 development trips are predicted to arrive at the Victoria Street junction. Base flows arriving at the junction along Victoria Street total 216 of which 5 additional development trips equates to a 2% impact.

- B6106 / South Lane:

The proposed development has no traffic assigned to South Lane but does pass along Dunford Road. Queue lengths out of South Lane are minimal at 1, 2 and 3 recorded values and this is unlikely to be affected by passing development flows.

- Hollowgate / Rotcher Road:

Trips from the development associated with taking pupils to Holmfirth Junior, Infants and Nursery School on Cartworth Road could utilise Rotcher Road to access Holmfirth. Three vehicles are forecast to do this which, when compared to the base flow out of Rotcher Road of 91 in the AM peak equates to 3%. Queueing is minimal to exit Rotcher Road, typically 1, 2 or 3 vehicles and development traffic is not expected to have a material impact on current conditions.

- Choppards Bank Road / B6106 / Cross Gates Road:

Choppards Bank is a challenging junction and avoided by many as evidenced by just 12 vehicles exiting in the AM peak hour. It is not envisaged that many development trips will utilise this junction.

- 10.23 Collection of data on the possible routes to school shows a total of 62 trips through the Cartworth Bank Road / Cartworth Road / Lamma Well Road in the AM peak hour. Adding 3 school trips to this from the development would represent a 5% increase in flow. A total of just 9 trips were recorded through the Choppards Lane / Choppards Bank Road / Cote Lane junction in the AM peak hour. Adding three development school trips to this represents a 33% increase but the low base flow is noted.
- 10.24 Highways Development Management have carefully considered the base and development flow and conclude that link and junction capacity is not a cause for concern in this development proposal.
- 10.25 Car parking provided by the development for the residential element (130 spaces) is in accordance with the council's parking standards. However, the split between unit specific and visitor parking needs further attention but this can be addressed through planning condition. Parking for the non-industrial uses is based largely on expected demand and is therefore more difficult to quantify. Based on the number of staff, the expected café customers and the workshop visitors, the provision of 105 spaces is considered to be adequate.
- 10.26 The internal layout of roads and footpaths within the site may require minor modifications if the internal road is to be adopted but this could be addressed at detailed design stage and the principle of development has been established by the plans provided under this planning application. Under the previous scheme it was the applicant's intention for the internal road to remain private.

- 10.27 Under the previous application officers considered that a signage strategy for both pedestrian and highway signage around the locality of the area so as to direct traffic via Washpit New Road was necessary, particularly because there would be visitors to The Carding Shed travelling from outside of the local area. This is still considered necessary.
- 10.28 At pre-application stage measures such as a matrix warning sign on Dunford Road on the approach to Choppards Bank Road and measures to improve pedestrian safety in Holmfirth town centre were discussed but these have not been presented as part of the application. The current proposal is however a much reduced scheme to that initially proposed at pre-application stage which included 77 residential units.
- 10.29 An analysis of personal injury accidents over a five year period has been undertaken by the applicant. Only two accidents have been recorded in the immediate vicinity of the site in the last five years. These were both at the junction of the B6106 / Choppards Bank Road. A further nine accidents are added when the search area is widened to include Holmfirth town centre.
- 10.30 Based on this analysis of the development proposal and its impact on transport networks it is considered that the development would not cause significant harm to the safe and efficient operation of the highway network and the application accords with Policies T10, T19 and BE1 of the UDP, PLP21 of the emerging Local Plan and the advice in chapter 4 of the NPPF.

Sustainable travel:

- 10.31 Saved policy T16 of the UDP requires, among other things, adequate provision for safe, convenient and pleasant pedestrian routes for all new development that ensures attractive links between homes, places of employment, community facilities and public transport. This is explicitly linked to the crime prevention measures outlined in saved policy BE23 of the UDP. This requires, among other things, the visibility of any walkways to be maintained from existing highways to ensure pedestrian safety. Furthermore, saved policy T1(ii) of the UDP stresses that priority will be given to proposals that promote a transport network on which it is safe to travel. PLP3 of the emerging Local Plan relates to the location of new development and part (g) requires development to take account of access to a range of transport choices and access to local services.
- 10.32 The sustainability and accessibility of the site was one of the main issues considered by the inspector under the previous application.
- 10.33 The appeal decision identified limitations with the connectivity of the site for pedestrians and access to public transport links. The decision also raised issues with a proposed scheme intended to improve access along Washpit New Road that involved extending the metalled surface into the soft verges and creating a continuous white line on one side to provide a defined pedestrian area with the capacity for overrun by larger passing vehicles. The Inspector considered that the absence of any physical structure, such as a kerbstone, to stop vehicles crossing into the pedestrian zone would pose a disincentive to its widespread use. The applicant was also only providing a financial contribution of £50,000 towards such works and the council's position was that it was unable to determine the adequacy of this contribution because there was not a detailed design that was able to be fully costed.

- 10.34 To address this issue the applicant is proposing to provide a walking route along Washpit New Road from the development site to Dunford Road to access either bus stops or the town centre on foot. The improvement has been presented in outline and involves a dedicated footway on the east side of Washpit New Road. The scheme maintains a minimum carriageway width of 4.8 metres throughout and a footway width that varies between 0.9 metres and 1.2 metres. The principle of this improvement is accepted by Highways Development Management. As noted in the TA, detailed design will need to address street lighting, haunch repair on the west side of Washpit New Road, the hardening of the verge to accommodate vehicles, a scheme for drainage and the incorporation of a series of manholes on the approximate alignment of the footway. The scheme will be designed and delivered via a S278 Agreement. Given that the provision of a footway to Washpit New Road is a fundamental aspect of the proposal it is considered that the footway should be provided before any dwelling is first occupied.
- 10.35 Officers are satisfied that the proposed scheme of works to Washpit New Road would deliver a practical and safe access route between the site and Dunford Road that would enable residents and visitors to the site to access bus links and provide a walking route to Holmfirth. As such the scheme addresses the concerns raised under the previous application by both the Inspector and the Council.
- 10.36 In line with current policy, a framework travel plan has been submitted with the application. The Travel Plan relates to the previous larger scheme however the content of the plan is still relevant and measures are incorporated to encourage walking, cycling, the use of public transport, encouraging car sharing and working from home. The plan also identifies a timescale for the appointment of a travel plan coordinator (TPC) and sets out the responsibilities of the TPC. A condition is required to update this framework travel plan and make it more relevant to this particular application scheme.
- 10.37 The application is considered to comply with T16, T1(ii) and BE23 of the UDP and PLP3 of the emerging Local Plan.

Heritage issues:

- 10.38 The site contains a Grade II listed mill building (Block L). The other buildings within the Washpit Mills site are also listed by virtue of being curtilage buildings.
- 10.39 Paragraph 131 of the NPPF states that “in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness”.
- 10.40 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation” (NPPF paragraph 132). The setting of a designated heritage asset is an important aspect of its significance. Preserving the special architectural and historic interest of a listed building is required by section 66(1)

of the Planning (Listed Buildings and Conservation Areas) Act 1990 and considerable importance and weight is to be attached to this.

- 10.41 PLP35 of the emerging Local Plan relates to the historic environment.
- 10.42 The principal listed building is currently vacant and the development will provide a new use for the listed building. The optimum viable use for the building is not the one the building was constructed for; the mill industry is in decline and more modern facilities are utilised. Under the previous application the listed building was to be converted into a hotel and it was considered that the hotel represented a viable use for the building that would help to sustain its significance in the future. The current application proposes a community gym which would be available to future residents and workers of the development. This change has come about in order to lessen the highway impacts of the development.
- 10.43 The proposed gym is considered to be a satisfactory use for the building because it directly addresses issues with the highway impacts of the development and thus helps to deliver an acceptable scheme for the overall redevelopment of Washpit Mills that includes the retention of a number of historic mill buildings. The gym use will also support the building's general upkeep in the future. A detailed scheme of the alterations to the principal listed building can be dealt with under Listed Building Consent application 2017/94337. It is to be noted that the principal listed building would not be extended, unlike the previous scheme.
- 10.44 In terms of the demolition of curtilage buildings, the buildings that are to be demolished have a reasonable degree of significance because they contribute to the historic evolution of the mill site.
- 10.45 As part of this revised scheme it was proposed to demolish a four storey stone mill building (Block D) which was to be retained under the previous application. Officers had concerns with the loss of this particular building and in response to this the applicant is now proposing to retain the building and for it to be used as storage in connection with the Carding Shed that will occupy the adjoining building.
- 10.46 The buildings that are to be demolished are the same as that proposed within the previous application and officers accept the loss of these buildings. The buildings with the greatest significance are being retained, namely the four storey stone-built mill building (Block D) and the large northlight roof building (Block E). Furthermore it is considered that the quality and/or scale of the buildings that are to be demolished would make it difficult to secure a long term viable use for them. There is also considered to be some benefit to the demolition of the more modern industrial building adjoining the northern elevation of the principal listed because it would allow the setting of the listed building to be enhanced. Officers accept the loss of the buildings as proposed within the application. It is to be noted that the appeal decision did not raise any specific concerns with the loss of any of the mill buildings.
- 10.47 The demolition amounts to less than substantial harm and the wider public benefits of the proposals that include securing viable uses for the principal listed building and other significant curtilage buildings on the site balance the harm that would be caused.

10.48 The application accords with advice in chapter 12 of the NPPF.

### Urban Design issues

10.49 The design of the new build dwellings is the same as the previous scheme and remains acceptable. The design of the 4 no. townhouses to be formed within an existing mill building respects the character of the host building and is acceptable. The alterations to the building that will accommodate the Carding Shed are also acceptable.

10.50 Officers are satisfied that the proposals would sit comfortably within the context of the established site and its surroundings. The appearance of the scheme therefore meets the requirements of Policies BE1 and BE2 of the UDP and chapter 7 of the NPPF. It also satisfies PLP 24 of the emerging Local Plan.

### Residential Amenity

10.51 The closest residential properties to the site are on Choppards Lane to the south west and Lamma Well Road to the northwest. The properties on Choppards Lane are set down from some of the neighbouring mill buildings and the properties on Lamma Well Road are all elevated in relation to the site.

10.52 These neighbouring properties are well separated from the proposed new build dwellinghouses with blocks A and C providing separation distances in excess of those required by Policy BE12 of the UDP. As such officers do not have any concerns with potential overlooking or overbearing effects.

10.53 Separation distances between proposed dwelling and proposed dwelling within the site are accepted.

10.54 In terms of noise, officers are satisfied that the proposed non-residential uses are compatible with residential development and would not give rise to any significant implications subject to controls over the opening hours of the non-residential uses and the use of Block D which is close to new dwellings.

10.55 The submitted Transport Assessment (TA) indicates the proposed hours of use which are daytime only. The hours of use are:

#### A3 Café Use:

- 10:00 to 16:00 Monday to Friday
- 09:30 to 16:30 Saturday and Sunday

#### Workshop and car storage:

- 08:30 to 17:00 Monday to Friday only

10.56 Environmental Services have advised that slightly expanded hours would be acceptable. However, the highways assessment has been carried out on the basis of the hours indicated within the TA and it is considered necessary and reasonable for the hours to be restricted to those specified within the TA. It would nevertheless be appropriate to allow deliveries to and dispatches from the café one hour either side of the opening and closing time on weekdays. No hours have been specified for the shop but it is considered reasonable for these to match the café.

- 10.57 Standard conditions are recommended in terms of addressing potential noise nuisance from plant.
- 10.58 The application satisfies policies BE1 and BE12 of the UDP, PLP24 of the emerging Local Plan and advice in the NPPF.

#### Landscape issues

- 10.59 The main areas of landscaping within the site are the land designated as POS to the northeast and the mill pond area to the southwest. Both are significant areas of landscaping with the POS forming part of an existing copse of woodland that will contribute to the setting of the development. The mill pond is an attractive area that is set up from the listed building; there are some existing trees and additional tree planting to this area is recommended to compensate for the loss of trees that will occur to facilitate the construction of block F and to provide biodiversity mitigation.
- 10.60 Soft landscaping within the site is relatively limited although this is in keeping with the established character of the mill complex.
- 10.61 Careful consideration of the treatment of the external boundaries, retaining walls and surfacing is needed and such details can be secured by condition.

#### Housing issues

- 10.62 The development will contribute to the provision of new housing at a time when the Council cannot demonstrate a 5 year housing land supply.
- 10.63 The development does not trigger a requirement for affordable housing provision because of the Vacant Building Credit. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, developers are offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when affordable housing contributions are calculated. In this case the floorspace of the existing buildings to be demolished and converted into residential use exceeds the floorspace of the new dwellings.

#### Drainage issues

- 10.64 Part of the site lies within Flood Zones 2 and 3 which have a medium and high probability of flooding. This is an area along the centre of the site and corresponds approximately to the line of the watercourse/culvert and also includes the mill pond. The remainder of the site is Flood Zone 1 (low probability).
- 10.65 The proposed drainage strategy for the development is for surface water to connect to the culverted watercourse within the site and for foul drainage to discharge to the public combined sewer crossing the site. This is the same as the previous application.
- 10.66 The previous scheme was found to be acceptable in terms of flood risk and drainage and the current application does not materially alter the previous

assessment. No objections have been raised by The Environment Agency, Kirklees Lead Local Flood Authority or Yorkshire Water subject to conditions.

### Representations

- 10.67 17 representations have been received and a detailed petition signed by approximately 60 local residents representing the 'Neighbours of Washpit'.
- 10.68 The main issue for local residents is the highway impacts of the development. Residents consider that the application has not adequately addressed the reasons for refusal on the previous application and the scale of development is at a level that will harm highway safety and efficiency considering the nature of the surrounding road network and existing traffic levels. Furthermore, the proposed footway is considered to be inadequate.
- 10.69 Highways Development Management have considered the objections raised as part of the assessment of the application. Officers have concluded that the development is acceptable in highway safety terms for the reasons set out in this report and that the proposed footway is acceptable subject to detailed design.
- 10.70 Concerns were raised with the loss of one of the mill buildings and its impact on how the remainder of the scheme would be viewed. This building is now going to be retained (Block D). Concerns have also been raised with the visual impact of parking within the site; Officers acknowledge that there is a dominance of parking along the access road but this can be mitigated to an extent through sensitive boundary treatment and appropriate surfacing.
- 10.71 Concerns have been raised regarding potential noise nuisance from the gym. There is the potential for this facility to cause disturbance if open very early or late at night given that residents will be located close by. The hours of the gym will be controlled and Officers have sought clarification from the applicant regarding the proposed hours of use.
- 10.72 Residents are concerned that the Carding Shed may host evening events resulting in noise disturbance and greater traffic movements. The hours of use of the uses within Block E will be controlled by condition.
- 10.73 Of the other issues raised these have either been addressed within this report or do not materially alter the assessment of the application.

### Planning obligations

- 10.74 On-site POS is provided. The plans show an existing wooded area within the north eastern part of the site as being designated POS with a 'woodland walk' including footbridge crossing the river.
- 10.75 The development also triggers the requirement for a LAP (local area of play). The location and nature of the on-site POS does not lend itself to the provision of equipped play provision and the applicant has provided an indicative scheme for natural play opportunities (trim trail) within the POS.
- 10.76 The entirety of the POS could not be classed as accessible open space because of the topography of large parts of it which are steeply sloping. In this context the provision of the walkway and trim trail will require careful design.

The woodland walk shown on the site plan also links to a car park which is less than ideal. Whilst the topography of the site constrains the available accessible space on balance officers are prepared to accept the POS provision proposed, subject to detailed design of an acceptable walkway and natural play opportunities being agreed along with future maintenance arrangements for the POS.

- 10.77 An education contribution of £52,808 towards local school place provision is required and would be secured by S106.
- 10.78 Under the previous application a contribution towards the provision of Metro Cards for future residents and employees of the site was sought and the applicant offered £10,000 towards this. It is considered appropriate for a similar contribution to be provided although members may wish to consider whether this sum is used for alternative transport improvements within the general locality of the site that are connected with the development. For example, improvements at the main junction in New Mill where there is an upgrade scheme in place may be more beneficial to users of the site.

#### Ecology and trees:

- 10.79 Much of the site is of low ecological value although there are areas which do have significant value such as the areas of woodland and the mill pond and surrounding area. These features form part of a wider ecological corridor towards the site's south eastern boundary. In addition the updated ecology report submitted with the application confirms that one of the buildings on the site supports a bat roost. The habitat of another protected species is also identified within the site.
- 10.80 The main areas of the site which have ecological value are to be retained as part of the scheme – this is the area of trees to the north eastern corner of the site and the mill pond and surrounding area to the south west of the site. Some trees will be lost as part of the development although it is considered that this would not significantly harm biodiversity and can be compensated for by new tree planting adjacent to the mill pond which will help to supplement this part of the established ecological corridor.
- 10.81 Measures to mitigate the impact of the development on biodiversity including the protected species identified can be fully addressed by conditions.

#### Other Matters

- 10.82 Given the previous industrial activities at the site conditions are recommended to deal with land contamination matters.
- 10.83 Environment Agency records also show an authorised landfill is present on part of this site. A licence was issued in 1982 which was later transferred to the previous occupier (Westward Yarns Ltd). The licence permitted the disposal of up to 4,000 tonnes per annum of construction, demolition and excavation waste. The site has been closed with no disposal taking place for approximately 18 years. In 2006 a closure report was submitted by the operator with various proposals for monitoring and ultimately the surrender of the licence. To date no monitoring reports have been received by the Environment Agency and the licence has not been surrendered. The last visit to the site was over 4 years ago.

- 10.84 The Environment Agency considers the site is low risk based on the types of waste accepted when it was open, and also the length of time passed since it was operational. There may however be a possibility of land stability issues and potential issues relating to landfill gas and groundwater contamination. The deposited material should have been uncontaminated but without sampling and a thorough site investigation this cannot be confirmed as being the case. It is recommended that the implications of the landfill site are addressed by conditions.
- 10.85 A small area within the site is identified as a class II archaeological site on the UDP Proposals Map. West Yorkshire Archaeology Advisory Service have provided comments on the associated Listed Building Consent application and have not raised any specific objections. A scheme of archaeological recording is to be secured separately under the Listed Building Consent.
- 10.86 There is not a definitive public right of way within the site although the council's PROW unit is in receipt of a definitive map modification order seeking the recording of a byway open to all traffic on the definitive map and statement of public rights of way. That application is separate to the consideration of this planning application and will be decided on the evidential merits of the case. It is to be noted that the site layout provides an access road broadly in the same position as the existing access and this will continue to link Green Lane and Choppards Lane, albeit serving as a main vehicular access for the development.
- 10.87 The PROW officer previously recommended that the developer provides a financial contribution towards improvement of the local PROW network. This is to improve non-motorised transport connections towards Holmfirth and the wider locality. Such improvements would also enhance access from the development for recreation opportunities, providing increased amenity value and opportunity for better mental and physical health and wellbeing, in line with PolicyT16 of the UDP and the objectives of the NPPF. A response from the applicant is awaited on this issue.
- 10.88 A condition regarding electric vehicle charging points is recommended in line with WYLES Planning Guidance and PLP24 of the emerging Local Plan.

## 11.0 CONCLUSION

- 11.1 The proposals represent a less intensive form of development than the previous scheme and it is considered that the applicant has satisfactorily addressed the main issues set out within the appeal decision.
- 11.2 The scheme will enable a local employer to stay within this part of the district and will deliver a mixture of high quality housing along with a new footway and POS. The reuse of listed buildings is also a significant benefit arising from the development.
- 11.3 The development would comply with relevant local policies and is considered to be sustainable having regard to the NPPF taken as whole.

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

1. Time limit condition
2. Development in accordance with approved plans
3. Phasing of the development
4. Approval of samples of materials
5. Detailed design and delivery of the footway to Washpit New Road (to be delivered before occupation of the first dwelling)
6. Internal road design
7. Highway signage scheme
8. Surfacing of parking areas
9. Boundary treatment details
10. Detailed drainage scheme
11. Survey of watercourse within site and schedule of repairs where necessary
12. Assessment of mill pond and tributaries
13. Temporary drainage scheme
14. Drainage relating to fats, oil and grease from café
15. Oil petrol interceptor from car parks
16. Stand-off distances to culverted watercourse
17. Mill pond survey and repair/renewal where necessary
18. Contaminated land and landfill investigation and remediation
19. Details of plant and extract ventilation for the non-residential uses
20. Restrictions on operating and delivery hours for The Carding Shed:

### Café and shop:

- 10:00 to 16:00 Monday to Friday (with no deliveries/dispatches before 0900 or after 1700)
- 09:30 to 16:30 Saturday (with no deliveries/dispatches before 0830 or after 1730 on Saturdays and no deliveries/dispatches on Sundays)

### Workshop and car storage:

- 08:30 to 17:00 Monday to Friday only

21. Restrictions on operating hours of the gym
22. Restrictions on use of gym to residents and workers of Washpit Mills only
23. Storage use only for retained curtilage listed building connected to the Carding Shed business (Block D)
24. Ecological mitigation including details of demolition

25. Detailed landscape plan including new tree planting to south eastern site boundary
26. Electric vehicle charging

**Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f94336>

Certificate of Ownership – Certificate A signed.