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**Report of the Head of Strategic Investment****HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 17-May-2018****Subject: Planning Application 2018/90713 Prior approval for change of use from office (B1) to 11 apartments (C3) Green Lane Mill, Green Lane, Holmfirth, HD9 2DX****APPLICANT**

Priestley Homes Ltd

**DATE VALID**

02-Mar-2018

**TARGET DATE**

26-Apr-2018

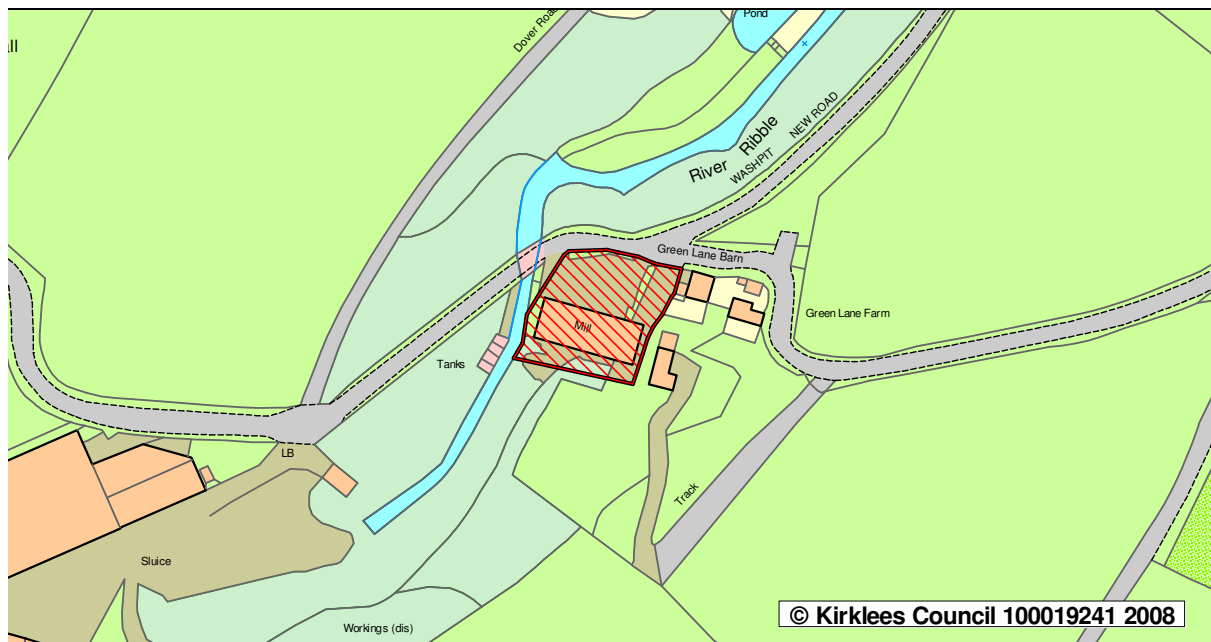
**EXTENSION EXPIRY DATE**

21-May-2018

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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  
(referred to in report)

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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:

a contribution of £10,000 towards highway safety improvements in the locality.

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 to planning sub committee at the request of Cllr Patrick who states the reason is based on access and highways associated with the development.
- 1.2    Cllr Patrick also raised a number of other questions in relation to his request which are set out below:  
*You say the flood issues have been addressed - how? Fourteen car parking spaces for 11 apartments, where will the other 8 residents cars plus visitors cars park? We have a continuing demand for employment land – why should we lose this to housing? Has the site been marketed for business use? Has the use been properly assessed? What about consideration for access, suitability of the roads, sustainability, access to schools etc. Are you satisfied that all these things have been addressed?*
- 1.3    Cllr Patrick has been forwarded a transport assessment which was carried out at the request of Planning and Highway Officers. However Cllr Patrick has advised that this document has not addressed the concerns outlined above.
- 1.4    The Chair of Sub-Committee confirmed that Cllr Patrick's reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees. Chair agreed for a site visit to be carried out.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site forms a detached 3 storey mill building constructed from stone with a pitched roof, which is in part split level located within the Green Belt. The building benefits from large windows on all elevations along with a number of former higher level entrances servicing each floor. An area to the north of the building was previously used for parking, but falls outside of the submitted red line boundary of this application.
- 2.2 To the west of the building is the River Ribble set at a lower level, with the western part of the site falling within Flood Zone 3, further to the west are a number of mature trees. To the east are the residential properties of Green Lane Farm and Green Lane Barn. To the south are open agricultural fields. In the wider local area to the south west is the Washpits Mills site which has been subject to recent applications for redevelopment.

## **3.0 PROPOSAL:**

- 3.1 The application seeks, through notification for prior approval under The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class O, the change of use of the building to from offices to residential to form 11 two bedroom apartments over 3 floors. The proposal would provide 14 car parking spaces to the front of the building and bicycle storage for 22 cycles within the basement area of the building. Bin storage would also be provided within the basement area.

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

- 4.1
- 2017/93836- Prior approval for proposed change of use of offices to 12 apartments – Refused
  - 2017/92662 - Prior approval for proposed change of use of offices to 12 apartments – Withdrawn

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

- 5.1 A transport assessment was provided at the request of Planning and Highway Officers to adequately assess the highway impact of the development.

## **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 is located within the Green Belt on the UDP Proposal map and on the Publication Draft Local Plan.

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

- **BE1** – Design Principles
- **T10** – Highway Safety
- **T19** – Parking Standards
- **EP4** – Noise Sensitive Development
- **EP6** – Development and Noise
- **G6** – Contamination

6.4 Kirklees Publication Draft Local Plan (PDLP):

- **PLP20** – Sustainable travel
- **PLP21** – Highway Safety and access
- **PLP22** - Parking
- **PLP52** - Protection and improvement of environmental quality
- **PLP53** - Contaminated and unstable land
- **PLP27** – Flood Risk
- **PLP60** – The re use and conversion of buildings (in the Green Belt)

6.5 National Planning Guidance:

- **Chapter 9** – Protecting Green Belt Land
- **Chapter 10** - Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and protecting the natural environment

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

7.1 The application has been publicised by site notices in the local area. In total 4 representations have been submitted to the application. A summary of the points raised are set out below:

- The proposal would exacerbate problems for vehicles and pedestrians using Washpit New Road given the substandard condition of the roads, which are going to rise when the adjacent Washpit Mills scheme commences.
- The Washpit Mills scheme includes the provision of a footway but this does not extend all the way to Washpit Mills or adjacent to Green Lane Mill. If parking were to occur on street from this development in this area it would be to the detriment of pedestrian safety and would highly likely result in accidents from two way traffic trying to use a single lane. Furthermore the local roads are used by horse riders, walkers and farm vehicles which further adds to this concern.
- There is inadequate parking provision for the development given its remote and unsustainable location, and future occupiers will be reliant on private cars.

- The proposal will be detrimental to local amenity and spoil the rural feel of the area. This type of development would be more suited to the centre of Holmfirth than the rural outskirts.
- Whilst the reuse of the building for apartments is supported the redevelopment to 11 apartments is considered to represent an over development of the site when the Washpit Mills site is considered as well. There is more demand for family homes in the area and the applicant should consider a scheme for 4 townhouses.

7.2 Holme Valley Parish Council – Object to the application on the grounds of insufficient parking. Members are keen to see this Grade 2 Listed Building developed into two-bedroomed flats but less of them, so that sufficient parking can be provided.

7.3 Ward members were notified of the application and application and Cllr Patrick responded as set out in paragraph 1.1 -1.3 of this report.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

- **KC Highways DM** – No objection subject to conditions and the provision of a planning obligation for highway safety improvements.
- **KC Environmental Services** – No objection subject to conditions
- **The Environment Agency** – No objection subject to condition.

### 8.2 Non-statutory:

- None

## 9.0 MAIN ISSUES

- Background
- Procedural Matters and Policy Context
- Transport and highways impacts of the development;
- Contamination risks on the site
- Flooding risks on the site,
- Noise Impacts
- Representations
- Other Matters

## 10.0 APPRAISAL

### Background

10.1 The application represents the resubmission of a prior approval application for the change of use of an existing B1 Office use to form 11no. C3 residential apartments. The previous application 2017/93836 was refused for the following reasons:

*The proposed change of use from offices to residential, by reason of the lack of any off street parking provision combined with the substandard nature of the surrounding highway network for pedestrians to access public transport, would lead to future occupiers being heavily reliant on private vehicles to access the site. The lack of off street parking provision would lead to vehicles parking on the public highway to the detriment of highway and pedestrian safety and would lead to the proposal having an unacceptable transport and highway impact. As such the proposal would fail to accord with the requirements of Class O.2 (a) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended 2016.*

- 10.2 The current application seeks to resolve the above reason for refusal by the provision of 14 parking spaces and bicycle provision for 22 bicycles.
- 10.3 It is also noted that a planning application for the adjacent Washpit Mills site was determined at the March Strategic Planning Committee where members resolved to approve the application subject to planning conditions and a section 106 legal agreement.

#### Procedural Matters and Policy Context

- 10.4 The proposal subject to assessment under this application has been submitted as a prior approval application under The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2 Part 3 Class O, and as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. The legislation permits the following development:

***O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.***

- 10.5 The proposal is considered to be covered within this Class, and is thus authorised subject to the restrictions, conditions and prior notification procedure outlined in Paragraphs O.1 (as amended) and O.2 (as amended).
- 10.6 Paragraph O.1 (as amended) stipulates that development is not permitted in the following circumstances:

|  |    |
|--|----|
| (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30 <sup>th</sup> May 2019;   | No |
| (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—<br>(i) on 29 <sup>th</sup> May 2013, or<br>(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use; | No |
| (d) the site is, or forms part of, a safety hazard area;   | No |
| (e) the site is, or forms part of, a military explosives storage area;   | No |
| (f) the building is a listed building or is within the curtilage of a listed building; or  | No |
| (g) the site is, or contains, a scheduled monument.  | No |

- 10.7 In light of the above the proposal accords with the requirements of paragraph O.1 (as amended).
- 10.8 O.2 (as amended) stipulates the need for the developer to submit an application for Prior Notification from the Local Planning Authority. Prior Notification is required for the following considerations:
- a) transport and highways impacts of the development;
  - b) contamination risks on the site; and
  - c) flooding risks on the site,
  - d) impacts of noise from commercial premises on the intended occupiers of the development,
- 10.9 Paragraph W outlines procedure for the submission, and assessment of, applications under Part 3 which require Prior Approval. Under the procedures outlined in Paragraph W, the council is required to consult relevant bodies and advertise the application by site notice.
- 10.10 To assess the above, relevant policies in the development plan and national planning policies will be considered as listed above.

Transport and highways impacts of the development:

- 10.11 The application has been assessed by the Highways DM Officer and in relation to Policies T10, T17 and T19 of the UDP, Policies PLP20, 21 and 22 of PDLP and Policies in the NPPF. The applicant has also provided a Transport Assessment at the request of Officers. The proposal would provide 14 car and 22 bicycle parking spaces within the site from three different points of access.
- 10.12 In terms of sustainability of the site, the closest bus stops to the site are on Dunford Road to the north east of the site approximately 450 metres away which has a regular service into Holmfirth and on to Huddersfield. However the surrounding road network lacks pedestrian footways and often street lighting.
- 10.13 The matter of sustainability of this location was considered in detail for a site approximately 100 metres to the south west of the application site at Washpit Mills which was subject to planning application (2016/93428) and a subsequent appeal (APP/Z4718/W/17/3169043) which was dismissed.
- 10.14 Within the appeal decision consideration was given to “*sustainable travel*” which whilst noting the proximity of the bus stops raised concerns regarding the use of the buses for future occupiers “*given the nature of the intervening roads and footpaths*” to the stops. The Inspector whilst accepting that the bus stops were in what is usually regarded as an acceptable walking distance did not consider it was likely that they would be used as the route to the bus stop is “*...a narrow road that rises steeply, lacks a pedestrian walkway and has limited forward visibility. Consequently, I find it would be neither a safe nor a comfortable pedestrian route.*” The route which would be used by Washpit Mills occupiers would also be the route used by occupiers the proposed development given there close proximity.

- 10.15 The Inspector commented further by stating that *“Whilst I was able to walk ... and arrive at a bus stop in about 10 mins, the initial part of the route was not suitable for use in all seasons and did not have a level surface that would permit the use of pushchairs or the passage of less able individuals. Furthermore, no lighting was present nor was it adequately drained.”* It was also noted in comments by the Inspector that there *“...would be no refuge for pedestrians because there would be no physical structure, such as a kerbstone, to stop vehicles crossing into the pedestrian zone. Young families with pushchairs and small children would be particularly vulnerable in these circumstances.”* With the Inspector concluding *“I find that the actual and perceived risk of conflict between pedestrians and vehicles along this route would pose a significant disincentive to regular pedestrian use. Future occupants would be heavily reliant on the use of private motor vehicles as a consequence.”*
- 10.16 The Washpit Mills scheme has subsequently been resubmitted under application 2017/94336 and a resolution to approve the scheme was agreed at the Strategic Planning Committee on 8 March 2018. The scheme as amended now includes the provision of a footway along Washpit New Road to Dunford Road secured through a section 278 agreement. It is therefore considered that the site does not form a sustainable location.
- 10.17 The submitted transport assessment has detailed that in terms of trip generation 11 apartments would generate 8 two way movements in the AM peak period and 9 two way movements in PM peak period respectively. Compared to the current permitted use of office of 14 two way movements in the AM peak and 13 two way movements in the PM peak periods should the building have an active office use. In this scenario this would be a reduction in vehicle trip generation of 4 trips and 6 trips in the AM and PM peak periods.
- 10.18 These anticipated trip generations are considered to be acceptable when comparing the proposed impact on the network generated by the recently approved Washpit Mills site generating 38 and 43 two way movements in the AM and PM peak periods in trip generation terms.
- 10.19 Notwithstanding this proposal is not considered to be located within a sustainable area for modes of travel other than the private motor car as set out in the reason for refusal of the previously application 2017/93836. This is further exacerbated given that there are no footways in the local area and below standard street lighting is provided. This reliance on the private motor is therefore considered to lead to more movements on the road network than might be expected for a more sustainable location. It is noted that the local highway network has areas where safety measures could be introduced. As such a contribution towards such highway safety improvements in the vicinity of the site, to be secured by S.106 planning obligation, is considered necessary; the contribution being £10,000. It is anticipated that this could be used for a vehicular activated sign on the down hill Dunford Road approach to the junction with Rich Gate. It would warn road users of the impending junction which could be used by future occupiers of the development, especially those going or coming from a southerly direction and would improve highway safety in this location.



- 10.20 Planning obligations are appropriate when trying to mitigate the impact of an unacceptable development to make it acceptable in planning terms. Such obligations need to meet three tests in that they need to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. It is considered that the contribution would assist to mitigate the impact of the development which is in a location where future residents would be “*heavily reliant on the use of private motor vehicles*” and also improve wider highway safety which would in turn be to the benefit of future residents and all road users. It is acknowledged that the development for 11 apartments is of a limited scale and therefore the contribution of £10,000 is considered to be reasonably related in scale and kind to the development proposed.
- 10.21 The provision of 14 off street parking spaces is considered to be sufficient for the 11 two bedroom apartments proposed and the layout of the parking spaces are considered to be acceptable. The application also includes bicycle parking for up to 22 cycles which is also considered to be acceptable. The provision of the car and cycle spaces can be secured by condition. Details of refuse bins have been provided, which detail that they would be located in the basement of the building and pulled out into an area of parking for collection. Such arrangements are considered to be acceptable.
- 10.22 Subject to the conditions set out above and securing of a 106 legal agreement for local highway safety improvements the proposal is considered to have an acceptable impact on highway safety and would accord with Policies T10 and T19 of the UDP and Policies PLP21 and 22 of the Draft Local Plan.

#### Contamination risks on the site

- 10.23 The Contamination risks at the site have been considered and in relation to Policy G6 of the UDP, Policy PLP53 of the PDLP and the NPPF and the application was considered by Environmental Services who raised no objection to proposal subject to conditions.
- 10.24 No intrusive ground works would be necessary to facilitate the change of use although it is noted that the site is identified as being contaminated and the LPAs mapping system. Environmental Services have recommended the standard suite of contaminated land conditions given that the development is for over 10 units. Whilst noting this request it is not considered reasonable or necessary to require the submission of contaminated land surveys. As a precautionary if any intrusive ground investigation works are necessary the report a condition for the reporting of unexpected contamination can be attached to the decision.

#### Flooding risks on the site

- 10.25 The site is located within both flood zone 1 and 3a due to the location of the River Ribble which runs along with north western boundary of the site. The flood zone covers approximately one third of the application building, a flood risk assessment has been provided and the application has been assessed by the Environment Agency (EA). The proposed residential use represents a more vulnerable use as set out in the NPPG, and such developments should only be allowed in Flood Zone 3a if the exceptions test is passed, however given that the proposal represents a change of use the sequential and exception tests do

not apply (paragraph 104). The EA does not raise any objection to the proposal and subject to a condition preventing any living accommodation in the basement to protect future occupiers from flood risk. Subject to the condition set out above the proposed change of use would have an acceptable impact on flood risk.

### Other Matters

#### *Electric Vehicle Charging Points*

- 10.26 The application has been considered in relation to the West Yorkshire Low Emissions Strategy which seeks measures to improve air quality across West Yorkshire. For applications such as a changes of use to residential use the guidance advises that electric vehicle charging provision should be incorporated into new developments. The proposal seeks to provide 11 new apartments and the provision of 14 associated parking spaces. In such circumstances the guidance advises that 10% of spaces should have provision for charging points, given that 14 spaces are to be provided it is considered reasonable to require 1 of the spaces to have a charging point, which could be secured by condition.

### Representations

- 10.27 In total 4 representations have been submitted to the application and comments have been received from ward member Cllr Patrick. Holme Valley Parish Council have also made comments. A summary of the points raised are set out below along with a response:

- The proposal would exacerbate problems for vehicles and pedestrians using Washpit New Road given the substandard condition of the roads, which are going to rise when the adjacent Washpit Mills scheme commences.
- The Washpit Mills scheme includes the provision of a footway but this does not extend all the way to Washpit Mills or adjacent to Green Lane Mill. If parking were to occur on street from this development in this area it would be to the detriment of pedestrian safety and would highly likely result in accidents from two way traffic trying to use a single lane. Furthermore the local roads are used by horse riders, walkers and farm vehicles which further adds to this concern.

**Response:** As set out in the highway section above the application has been submitted with a transport assessment which has provided trip generation statistics for the development and has considered the proposal in relation to the adjacent site at Washpit Mills. The trip generation statistics are considered to be acceptable, however the site is considered to be in a location where residents would be heavily reliant on the use of private motor vehicles and a planning obligation towards local highway safety improvements is therefore considered necessary which the applicant has agreed too.

- There is inadequate parking provision for the development given its remote and unstainable location, and future occupiers will be reliant on private cars.  
**Response:** 14 car and 22 bicycle parking spaces would be provided by the development which is considered to be acceptable provision.

- The proposal will be detrimental to local amenity and spoil the rural feel of the area. This type of development would be more suited to the centre of Holmfirth than the rural outskirts.

**Response:** The proposal represents the change of use of an existing building which was last used as Offices. As set out in paragraph 10.8 only certain matters can be considered under this type of application which does not include an assessment in relation to the change in the character of the local area.

- Whilst the reuse of the building for apartments is supported the redevelopment to 11 apartments is considered to represent an over development of the site when the Washpit Mills site is considered as well. There is more demand for family homes in the area and the applicant should consider a scheme for 4 townhouses.

**Response:** The proposal is not considered to represent an overdevelopment of the site.

10.28 Cllr Patrick – *You say the flood issues have been addressed - how? Fourteen car parking spaces for 11 apartments, where will the other 8 residents cars plus visitors cars park? We have a continuing demand for employment land – why should we lose this to housing? Has the site been marketed for business use? Has the use been properly assessed? What about consideration for access, suitability of the roads, sustainability, access to schools etc. Are you satisfied that all these things have been addressed?*

Cllr Patrick has been forwarded a transport assessment which was carried out at the request of Planning and Highway Officers. However Cllr Patrick has advised that this document has not addressed the concerns outlined above.

**Response:** The flooding issues previously raised at the site have been addressed by the submission of a flood risk assessment and the removal of residential accommodation from the basement which will also be secured by condition. The Environment Agency have assessed the application and raise no objection.

In terms of parking provision, 14 vehicular and 22 bicycle parking spaces are considered to be sufficient for the development. It is considered that 3 visitor parking spaces are acceptable for the development in highway safety terms.

With regards to loss of employment land, this application represents a Class O change of use prior notification application where the principle of the change of use and the loss of employment land cannot be considered. This application can only consider matters regarding flooding, highway safety, contamination and noise.

With regards to wider highway safety the applicant has provided a transport statement which has set out anticipated vehicular movements. A detailed assessment in relation to the sustainability of the site has been set out above. The transport statement has been assessed by the Councils Highway Officer who accepts the findings but advises that a contribution of £10,000 should be made to highway safety improvements in the local area. The agent has agreed to provide this contribution which can be secured by section 106.

- 10.29 Holme Valley Parish Council – Object to the application on the grounds of insufficient parking. Members are keen to see this Grade 2 Listed Building developed into two-bedroomed flats but less of them, so that sufficient parking can be provided.

**Response:** The application building is not Grade 2 listed and it is considered that the proposal provides sufficient off street parking.

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute

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

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

1. Surfacing and marking out of the car park.
2. Provision of cycle parking before development is brought into use.
3. Provision of 1 electric vehicle charging point.
4. Condition regarding flood risk stating no residential development in the basement.
5. Reporting of unexpected contamination.

### **Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90713>

Certificate of Ownership – Not required for this type of application.