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**Report of the Head of Strategic Investment****STRATEGIC PLANNING COMMITTEE****Date: 05-Jul-2018****Subject: Planning Application 2018/90877 Erection of extension to former mill building. Woodlands Mill, Luke Lane, Thongsbridge, Thongsbridge, Holmfirth, HD9 7TB****APPLICANT**D & LS Developments  
Ltd, C/O Agent**DATE VALID**

15-Mar-2018

**TARGET DATE**

10-May-2018

**EXTENSION EXPIRY DATE**

09-Jul-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

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.

## **1.0 INTRODUCTION:**

- 1.1 This application has been brought to Strategic Planning Committee at the request of Cllr Patrick.
- 1.2 A related application (ref: 2018/90876) has also been brought to committee at Cllr Patrick's request.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 This application relates to a small (0.0148 hectare) parcel of land bounded by Luke Lane and the River Holme, with an existing electricity substation to the east, and a stone-built former mill building to the west. This site, and land and buildings to the west, are also within the red line boundary for current application ref: 2018/90876.
- 2.2 The smaller parcel of land (to which this application relates) was until recently enclosed by stone walls, rising to 1.9m on the river bank and 2.55m on Luke Lane.
- 2.3 The application site sits on a bend in Luke Lane. This stretch of Luke Lane lacks formal pavements.
- 2.4 The nearby former mill buildings are currently vacant, having last been used in association with a woodturning business. The northern building (referred to in some application documents as a dyehouse) stands immediately adjacent to the River Holme is single storey, but has a raised roof and extensions. The southern building has a south elevation on Woodlands Avenue, is single-storey at its west end, and due to the site's topography rises to two storeys at its east end.
- 2.5 There are several trees close to the site, and many are protected by Tree Preservation Orders.
- 2.6 To the south of the application site is Royd Mill, which rises to four storeys (not including its lower ground level car park) and has been converted to residential use. To the north, on the other side of the river, is the Holme Valley Camping and Caravan Park.

- 2.7 The site is within the green belt. It is not within a conservation area. The nearest listed building is the arched stone bridge to the east of the application site, which carries Luke Lane over New Mill Dike.

### **3.0 PROPOSAL:**

- 3.1 The applicant proposes infill development between the northern building and the electricity substation, effectively extending the northern building northeastwards. The extension would be single-storey, and would provide 148sqm of additional ancillary accommodation for the yet-to-be-converted northern building. Stores, a staff room, office and WC (with shower and changing facilities) would be provided within the extension.
- 3.2 Walls would be of natural stone, and a slate roof is proposed. Windows are proposed to the rear (river-facing) elevation. At the southwest end of the extension, a herb garden is proposed with a glazed roof connecting the extension to the northern building.

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

- 4.1 21/12/2017 – Planning permission granted for the change of use, alterations and extensions to former mill buildings to form mixed use development comprising food manufacturing, cookery school, café, shop, restaurant, cooking demonstration/tasting areas and management offices/suite, with outdoor seating areas, service yard, parking and associated landscaping works (ref: 2017/91888).
- 4.2 Pending determination – Application for discharge of conditions 3 (materials), 4 (car parking layout), 5 and 6 (works to public footpath), 7 (cycle parking), 8 (construction traffic), 9 (arboricultural method statement), 11 (ecological design strategy), 12 (control of invasive species), 19 (electric vehicle charging), and 22 and 23 (site contamination). In a letter dated 14/03/2018 officers confirmed that some of the submitted details were acceptable, but further information or amendments would be required for certain conditions. In a further letter dated 25/06/2018 officers again requested additional information and amendments (ref: 2018/90205).
- 4.3 Pending determination – Section 73 application to vary conditions 2 (plans) and 15 (opening times) on previous permission 2017/91888 for the change of use, alterations and extensions to former mill buildings to form mixed use development comprising food manufacturing, cookery school, café, shop, restaurant, cooking demonstration/tasting areas and management offices/suite, with outdoor seating areas, service yard, parking and associated landscaping works (ref: 2018/90876).

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

- 5.1 On 19/06/2018 the applicant confirmed that no part of the proposed extension would overhang the highway.

### **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.

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

6.2 The site is within the green belt and a wildlife corridor.

6.3 Relevant policies are:

- G6 – Land contamination
- D11 – Extensions within the green belt
- NE5 – Wildlife corridors
- NE9 – Mature trees
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Building materials
- BE22 – Accessible parking
- BE23 – Crime prevention
- EP4 – Noise sensitive development
- EP6 – Development and noise
- EP11 – Landscaping and ecology
- EP30 – Prolonged construction work
- T1 – Transport priorities
- T2 – Highway improvements
- T10 – Highway safety
- T14 – Pedestrian safety
- T16 – Pedestrian routes
- T17 – Cycling
- T19 – Parking standards
- B4 – Change of use of business or industrial sites
- S1 – Town centres and local centres
- R13 – Rights of way

#### Kirklees Draft Local Plan Strategies and Policies (2017):

6.4 The site is within the green belt, and parts of the site are within a Wildlife Habitat Network, Green Infrastructure Network and Biodiversity Opportunity Zone in the draft Local Plan.

6.5 Relevant policies are:

- PLP1 – Presumption in favour of sustainable development
- PLP2 – Place shaping

PLP3 – Location of new development  
 PLP4 – Providing infrastructure  
 PLP7 – Efficient and effective use of land and buildings  
 PLP8 – Safeguarding employment land and premises  
 PLP9 – Supporting skilled and flexible communities and workforce  
 PLP10 – Supporting the rural economy  
 PLP13 – Town centre uses  
 PLP16 – Food and drink uses and the evening economy  
 PLP20 – Sustainable travel  
 PLP21 – Highway safety and access  
 PLP22 – Parking  
 PLP24 – Design  
 PLP27 – Flood risk  
 PLP28 – Drainage  
 PLP29 – Management of water bodies  
 PLP30 – Biodiversity and geodiversity  
 PLP31 – Strategic Green Infrastructure Network  
 PLP32 – Landscape  
 PLP33 – Trees  
 PLP34 – Conserving and enhancing the water environment  
 PLP35 – Historic environment  
 PLP47 – Healthy, active and safe lifestyles  
 PLP51 – Protection and improvement of local air quality  
 PLP52 – Protection and improvement of environmental quality  
 PLP53 – Contaminated and unstable land  
 PLP57 – The extension, alteration or replacement of existing buildings (in the green belt)  
 PLP59 – Infilling and redevelopment of brownfield sites (in the green belt)  
 PLP60 – The re-use and conversion of buildings (in the green belt)

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2012) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Paragraph 17 – Core Planning Principles
- Chapter 1 – Building a strong, competitive economy
- Chapter 2 – Ensuring the vitality of town centres
- Chapter 3 – Supporting a prosperous rural economy
- Chapter 4 – Promoting sustainable transport
- Chapter 7 – Requiring a good design
- Chapter 8 – Promoting healthy communities
- Chapter 9 – Protecting green belt land
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised via a site notice and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 09/05/2018.

7.2 Representations from occupants of three properties were received in response to the council's consultation relating to this application and to the related application ref: 2018/90876. The following is a summary of the concerns raised:

- Proposals would result in a very different development. Applicant should have reviewed requirements at original application stage.
- Objections to size of extensions. Substantial floor area would be added to a listed building within the green belt, contrary to NPPF paragraphs 89 and 90. Additional building is unnecessary as applicant could use the whole of the southern building which is proposed to be left undeveloped.
- Objections to design of extensions. Consistent line of buildings would be created around the corner of Luke Lane, instead of there being a gap as at present. Glass roof over herb garden is out of character with listed mill building.
- Loss of amenity to Royd Mill due to additional height of building.
- Highways concerns. Vehicles often approach bend at speed. Motorcyclist was killed near entrance to The Waterside. Extension would be right up to the highway and makes no allowance for pedestrians – pavement should be provided via a Section 106 agreement. Previously-anticipated traffic issues have come to fruition during construction. Site does not have the promised vehicle wheel wash.
- Concern that dilapidated southern building may never be developed.
- Noise concerns relating to people visiting the site late in the evening.
- Terms of original planning permission have been flouted.

7.3 Responses to these comments are set out later in this report.

7.4 Cllr Patrick has commented as follows:

*[Application] should go to committee. When this development was first mooted it was much bigger and that gave rise to concerns from residents. A conversation was had and the application was reduced in size and that removed most of the objections. That was approved at Committee. Now we have another application which increases the size of the development and residents are not happy. Luke Lane is a substandard road and is used as a rat run, so it is busy with traffic. The junction with Huddersfield Road is difficult to drive down. There was a Volvo estate jammed at the top of Luke Lane at the junction earlier in the week. Any increase in traffic including delivery vehicles*

*will create more problems at that junction. I am sure the Chair of the Huddersfield Planning Committee will be only too aware of the problems at that junction as it is in his ward. I really do think that any intensification at that site requires some safety work to that junction and unless that takes place I don't think this should be approved.*

7.5 Cllr Firth has verbally confirmed that he shares the above concerns.

7.6 Holme Valley Parish Council have raised no objection provided that there would be no deliveries on Sundays and bank holidays, and that only one restaurant operates at the site.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

KC Highways – Extension would be ancillary to the approved development, and KC Highways therefore have no objection in principle. The only concern would relate to encroachment onto the existing highway – request that applicant confirms that no part of the extension (including drainage down pipes) would encroach.

Environment Agency – No objection on flood risk grounds. Applicant is advised that the EA require access to watercourses. Support suggestion that future occupants sign up to flood warning service. Permit may be required from the EA.

KC Strategic Drainage – This is a minor planning application that is subject to standing advice.

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

KC Ecology (comments made in relation to related application 2018/90876) – 20:00 closing time throughout the year would have avoided the time when bats are active in the early part of the season (after they emerge from hibernation), but not in the later part of the season. Extending the operational hours to 22:30 for the building immediately adjacent to the river would present a much greater risk to the high quality bat habitat that the river corridor affords.

## **9.0 MAIN ISSUES**

- Green belt issues
- Land use
- Urban design and conservation issues
- Residential amenity
- Highway issues
- Drainage issues
- Ecological considerations
- Representations

## 10.0 APPRAISAL

### Green belt issues

- 10.1 As noted in the committee report for the previous application, paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the green belt, however some exceptions apply – these include “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”.
- 10.2 Once extended in accordance with the 2017 permission, the northern building will be 328sqm in size. A further increase of 26sqm is proposed under the related Section 73 application (ref: 2018/90876), which would increase the size of the building to 354sqm. The extension proposed to the northern building under this application (ref: 2018/90877) would add a further 148sqm of floorspace. Total floorspace figures (approved, and proposed under the current applications) for the site are summarised below.

<b>Building</b>	<b>Approved</b>	<b>Approved + Section 73 extensions</b>	<b>Approved + all extensions</b>
<b>northern</b>	328sqm	354sqm	502sqm
<b>southern</b>	621sqm	621sqm	621sqm
<b>TOTAL</b>	949sqm	975sqm	1,123sqm

- 10.3 The 148sqm extension proposed to the northern building under this application would be single-storey, and would not result in a disproportionate addition over and above the size of the original building. In the context of the original size of the northern building, what currently exists on site, the previous enclosure of this part of the site behind tall stone walls, and the extensions approved in 2017, this increase in massing and floorspace is not considered significant in relation to the impact upon the openness of the green belt. The impacts of the additional massing proposed to the northeast of the northern building would be limited by the fact that 1.9m and 2.55m high stone walls stood at this part of the site until recently. Considered on its own, the 148sqm proposed extension to the northern building is considered compliant with paragraph 89 of the NPPF and draft policy PLP57 in the emerging Local Plan.
- 10.4 An assessment of the cumulative impacts of all of the currently-proposed extensions is also appropriate, having regard to the total overall increase in floorspace proposed at the northern building from the approved 328sqm to the proposed 502sqm. Again, given that the extensions individually are not considered to be harmful to the openness of the green belt, and given the context of what currently exists on site and what was approved in 2017, it is considered that the extensions considered together comply with paragraph 89 of the NPPF and draft policy PLP57 in the emerging Local Plan.

### Land use

- 10.5 The additional 148sqm of the extension proposed under this application are not considered significant in land use terms. No new uses would be introduced under this application. The proposed extension would accommodate uses ancillary to the northern building's café / restaurant, cookery school and retail deli.



- 10.6 Given the relatively small amount of additional floorspace proposed under this application, and given that the 2017 proposals were subject to sequential testing, it is not considered necessary to require a further sequential test under this application. It is considered that the proposed additional 148sqm would not significantly affect the viability or vitality of existing centres. Similarly, it is considered that the 174sqm of additional floorspace proposed across both the current applications, when considered in terms of their cumulative impacts, do not necessitate further sequential testing.

#### Urban design and conservation issues

- 10.7 As noted earlier in this report, the site is not within a conservation area, and it includes no listed buildings.
- 10.8 As with the above assessment of the impacts upon the green belt, in design terms the impacts of the proposed 148sqm extension are not considered significant. Large extensions were initially proposed under (and negotiated out of) the previous application, however the 148sqm extension now proposed, and the 174sqm proposed in extensions across the two current applications, do not represent a reversion to a previously-rejected quantum or massing.
- 10.9 The proposed extension would result in a continuous (approximately 50m long) elevation and massing along Luke Lane, from the southeast corner of the extended northern building to the northeast corner of the existing electricity substation. This is considered acceptable, given the stone walls that previously stood around the site, and the relatively dense, built-up character of this part of Luke Lane where it turns the corner. It is not considered necessary to require a gap between buildings in this location to provide relief in the built frontage or views of the River Holme from Luke Lane.
- 10.10 A blank frontage is proposed to the extension is proposed. This is considered acceptable given the limited size of the extension, and the largely-blank stone walls that previously stood in this location.
- 10.11 The proposed pitched roof would be profiled to match that of the adjacent electricity substation. This would help ensure the extension sits comfortably within its context.
- 10.12 The materials of the extension are considered acceptable. Appropriate blue slate and reclaimed stone are proposed. The glazed roof proposed to the herb garden would not be large in size, would only be partly visible from public vantage points, and is in any case considered acceptable, subject to a condition requiring details of materials (including glazing), and detailed drawings illustrating the design and thickness of glazing bars and the roof's supporting frame.

#### Residential amenity

- 10.13 Given its distance away from the nearest residential properties at Royd Mill, the absence of windows from its front (Luke Lane) elevation, and its proposed use as ancillary space, it is considered that the proposed extension would not adversely affect the amenities of neighbouring residents.

### Highway issues

- 10.14 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Paragraph 32 of the NPPF states that decisions on planning applications should take account of opportunities for sustainable transport modes, and the safety of site access.
- 10.15 Under the previous application, residents and Members expressed concerns regarding highways matters, and in particular the safety of Luke Lane, and the adequacy of its junction with New Mill Road (the A616). Some of these concerns have been reiterated in relation to the current application.
- 10.16 Given the limited size of the proposed extension, and its proposed use as ancillary space, it is considered that the proposed development would not result in a material intensification of use when compared with the 2017-approved development. As such, anticipated vehicle movements are not expected to differ to those previously considered. This assessment is applicable to the 148sqm extension considered on its own, and the cumulative impacts of the additional 174sqm proposed across both current applications.
- 10.17 It remains the case that the Luke Lane / New Mill Road junction (which would be used by much of the traffic moving to and from the development) is not ideal, but that it operates with a reasonably good safety record. It is also noted that a significant proportion of movements associated with the development would pass through this junction outside peak hours.
- 10.18 A condition, requiring the submission of and compliance with a Construction Management Plan (that would also apply to other development approved at this site) is recommended.
- 10.19 The application has not attracted an objection from the council's Highways Development Management team. In response to officers' only query relating to highways matters, the applicant has confirmed that the extension would not overhang the highway.

### Drainage issues

- 10.20 The applicant's Flood Risk and Drainage Assessment notes that the site is within Flood Zone 3a (non-functional flood plain), but states that the proposed use of the extension falls within the "less vulnerable" category, and is therefore appropriate in this zone.
- 10.21 Due to its use, location and limited size, the floorspace to be added to the proposed development under this application is unlikely to increase flood risk.

### Ecological considerations

- 10.22 The adjacent River Holme is known to be used by bats for foraging and commuting. Although the proposed extension would provide some welcome screening of the river from street light, two windows are proposed in its rear elevation. To avoid evening light pollution from these windows (that may adversely affect wildlife), a condition is recommended requiring the submission

of a lighting strategy for biodiversity. This would have a similar wording to condition 14 of permission ref: 2017/91888.

### Representations

10.23 To date, representations have been received from the occupants of three properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.

- Southern building – Concern has been expressed over the possibility that the dilapidated southern building may never be developed. Officers consider that, while it would be preferable for both the northern and southern buildings to be brought back into use as soon as possible, approval of this application would not necessarily increase the risk of this not happening in the case of the southern building. In documents supporting the changes currently proposed, the applicant has confirmed their intention to renovate and reopen the southern building in phase 2 of the development.

## **11.0 CONCLUSION**

11.1 The proposed extension would have limited and/or acceptable impacts in relation to the openness of the green belt, design and conservation considerations, neighbour amenity, highways safety and traffic flow, land use, drainage and ecology. This assessment is applicable when the proposed extension is considered on its own, and when considered alongside the extensions proposed under application 2018/90876, having regard to cumulative impacts.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 14 of the NPPF) and is therefore recommended for approval.

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

1. Three years to commence development.
2. Approved plans and documents.
3. Extension only to be used for ancillary purposes.
4. Details and samples of all external materials, including materials and detailed drawings of glazed roof to herb garden.
5. No external pipes etc to be installed.
6. Lighting strategy for biodiversity.
7. Construction Management Plan.

**Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90877>

Certificate of Ownership – Certificate A signed