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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 13-Dec-2018**

**Subject: Planning Application 2018/90501 Change of use and alterations to part of mill to form 42 residential units and 8 light industrial units (use class B1c) and retention of part of existing retail use (revised description and amended plans) Stanley Mills, Britannia Road, Milnsbridge, Huddersfield, HD3 4QS**

**APPLICANT**

Lindsays Allsorts Ltd,

**DATE VALID**

13-Feb-2018

**TARGET DATE**

15-May-2018

**EXTENSION EXPIRY DATE**

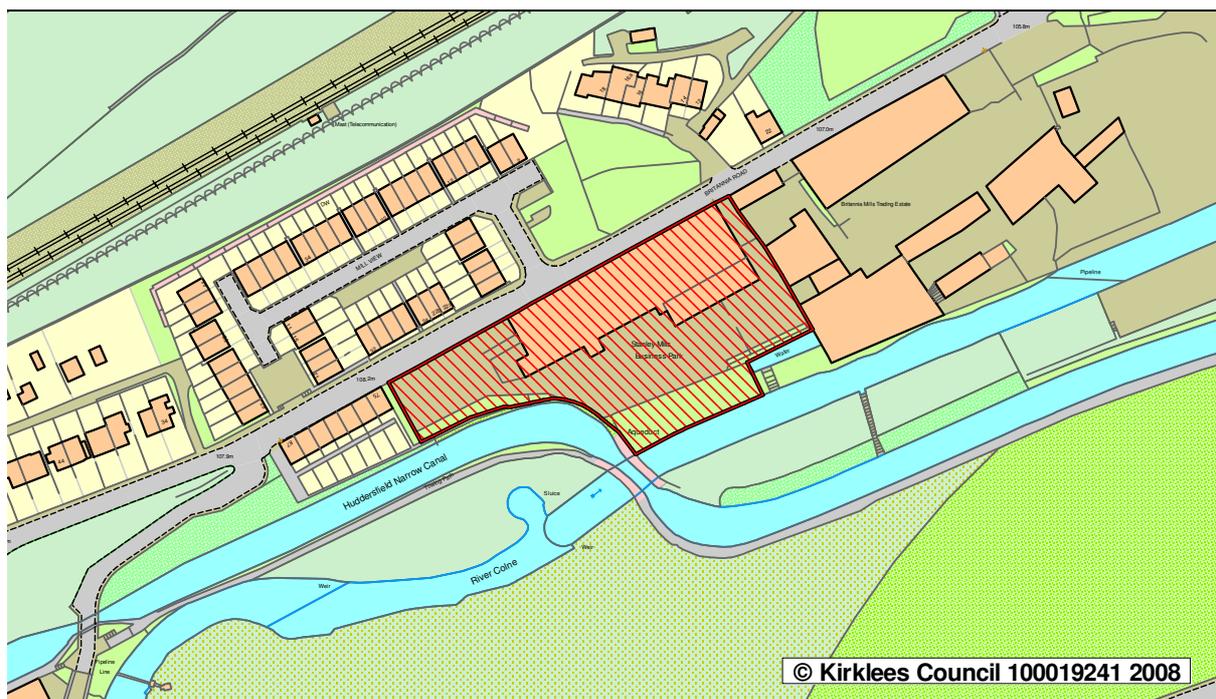
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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<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: Golcar**

Yes

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:** Refuse

For the following reasons:

- 1) The site lies in close proximity of existing, unrestricted employment uses. In addition, the site lies within a wider Priority Employment Area as detailed in the Kirklees Publication Draft Local Plan. The provision of residential accommodation in this location would not be compatible with neighbouring uses and would prejudice the continued use of neighbouring land for employment purposes and affect the flexibility of those established uses. The proposal is therefore in conflict with policies D2 and B4 of the Kirklees Unitary Development Plan and policy PLP8 of the Kirklees Publication Draft Local Plan.
- 2) The proposed development includes the provision of 42 dwellings, 8 light industrial units and the retention of retail space. The combination and scale of these uses would result in a constrained parking and servicing area. A number of parking spaces would be 'stacker' units which would represent unacceptably poor design, harmful to the character and appearance of the area and the host building. Consequently the proposed development conflicts with policy D2 of the Kirklees Unitary Development Plan and PLP24 of the Kirklees Publication Draft Local Plan.
- 3) The applicant has failed to demonstrate that the proposal would not have a detrimental impact on highway safety. This would be contrary to Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan policy PLP21.
- 4) There is insufficient information relating to how the development would impact on the local ecology, particular bats, and it has not been demonstrated that the proposed development would contribute to, and enhance the natural environment. The proposal is therefore contrary to Kirklees Unitary Development Plan Policies NE5 and BE2 (iv) of the Kirklees Unitary Development Plan and Policy PLP30(i) (ii) of the Kirklees Publication Draft Local Plan and paragraph 175(a) of the National Planning Policy Framework.
- 5) There is no information supporting the application relating to requirements to support local infrastructure. A S106 agreement is required to ensure contributions towards affordable housing, education, Public Open Space and play equipment. The proposed development, therefore, fails to achieve the requirements of Policy PLP4 of the Kirklees Publication Draft Local Plan.

## **1.0 INTRODUCTION:**

- 1.1 This application is being brought to the planning sub-committee for determination as the site area exceeds 0.5 ha but less than 60 units.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site lies on Britannia Road approximately 800m to the west of Milnsbridge. The application site comprises a large four storey mill sitting within a hard surfaced area used for car parking. The site slopes down away from Britannia Road towards the Huddersfield Narrow Canal that runs along the rear boundary of the site. The ground floor/basement is below ground level at the front of the building that faces Britannia Road, but the sloping nature of the site means that the floor is at ground level to the rear of the site. Above that are three floors that follow the same footprint of the building.
- 2.2 According to the applicant the building was initially used for manufacturing purposes but has been used for mainly retail for the past 35 years, with it being the home of Lindsays Allsorts, who sold furniture, household goods, lighting and soft furnishings. The lower floor/basement and the top floor were used as storage, whilst the middle two floors, the ground floor and the first floor, were used for retail use. The building is now vacant.
- 2.3 The site forms the western end of a linear area of employment uses that stretch from the centre of Milnsbridge along the area of land between Britannia Road and the Huddersfield Narrow canal.
- 2.4 To the north of the site, on the opposite side of Britannia Road lies a relatively new residential development comprising two storey semi-detached and terraced dwellings. To the west of this development, also on the northern side of Britannia Road, is a line of older semi-detached dwellings which are within the Green Belt. To the south of the site is the Huddersfield Narrow Canal beyond which is an area of woodland.
- 2.5 The site is identified in the emerging local plan as being within a Priority Employment Area. It is unallocated in the Unitary Development Plan.

## **3.0 PROPOSAL:**

- 3.1. The proposal seeks to make alterations to the internal layout of the building to create 42 dwellings comprising a mix of one and two bedroom flats and maisonettes and the re-configuration of the retail floorspace to create 750m<sup>2</sup> of modern attractive retail floorspace.
- 3.2 At ground floor level it is proposed to introduce 8 small light industrial units (B1c use class) each of which would include a loading bay, each of which access from the car park/servicing area.
- 3.3 In order to facilitate the above, alterations are proposed to the building including the removal of the existing rear lean-to extension and the replacement of windows. Larger window openings would be formed within the rear elevation to include Juliet balconies at regular intervals along the rear elevation. A total of 81 car parking spaces are proposed comprising 51 retail spaces, 8 spaces for light industrial units, 54 residential parking spaces (which includes 24no 2 car stacker units).

3.4 For members information this proposal was not the subject of any pre-application discussions

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

2007/95241 – Use of existing car park to park 22 private hire vehicles – refused.

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

5.1 The applicant has revised the scheme to include light industrial units (B1c) at ground floor level. Further amendments have been made to the parking and overall layout. Additional detail has been provided in response to initial comments from the Canal and Rivers Trust.

Originally the application involved 63 units and 600m<sup>2</sup> (retained) retail floorspace. The scheme has been amended as detailed in the current description.

#### **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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

D2 – Development of sites without notation on the proposals map

B1 – Employment needs

B4 – Change of use of sites last used for business and industry

BE1 – Design principles

BE2 – Quality of design

BE12 – New dwellings providing privacy and open space

BE23 – Crime Prevention

EP4 – Noise generating development

EP6 – Taking into account existing and predicted noise levels

EP11 – Landscaping

H1 – Housing Need

H18 – Provision of Open Space

G6 – Land contamination

NE9 – Development affecting mature trees  
S1 – Town centres and Local centres  
T10 – Highway safety  
T16 – Pedestrian Routes  
T19 – Parking standards

### 6.3 National Planning Guidance:

NPPF Section 2. Achieving sustainable development  
NPPF Section 7 Ensuring the viability of town centres  
NPPF Section 12 Achieving well - designed places  
NPPF Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change  
NPPF Section 15. Conserving and enhancing the natural environment

### 6.4 Kirklees Publication Draft Local Plan (PDLP): 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  
PLP13 – Town centre uses  
PLP19 – Strategic transport infrastructure  
PLP 21 – Highway safety and access  
PLP22 - Parking  
PLP24 - Design  
PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP32 – Landscape  
PLP35 – Historic Environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP61 – Urban Green Space  
PLP62 – Local Green Space  
PLP63 – New Open Space

### 6.5 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Planning Practice Guidance

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was publicised by way of site notice, neighbour notification and press notice. The following representations have been received which can be summarised as follows (3 objections and 1 support):

- Privacy of residents at the Scarbottom cottages.
- The North side of the development would intrude on the privacy of the residents with being at height. Currently the windows on this elevation are opaque.
- Britannia Road isn't marked with a central line and so vehicles stray to one side or another, along with offset cambers this raises safety concerns along with an increase in the volume of traffic.
- Narrowness of pavements and overgrowing vegetation causing people to have to use the roadway in places along Britannia Road. No pavement at present or possible on the mill side of the road.
- Concerns over noise and "out of hours" use. This is already an issue with existing work units next door to the development - late night & weekend use and noise, when permission is apparently for reasonable daytime use only.
- The site has the main mill buildings on the line of the highway with no pavement. Whilst there is a pavement on the opposite side of the road this is less than 1.20 metres wide in places (Public footpath HD 285A). Britannia Road is straight and relatively level and cars travel at speed along this length of road. There are bus stops on Britannia road and local residents walk into Milnsbridge along Britannia Road.
- Some sixty three flats are proposed for the development of which a number of the occupants will use transport other than car. A new development opposite the site at Mill View has created further dwellings with their entrance opposite Stanley Mills.
- Cars from the Mill View development whilst having off street parking spaces tend to park on Britannia Road and this can be quite intensive at times. The number of dwellings from this proposed development and the recent Mill View development will significantly increase the use of the single pavement. This together with the intensified vehicle movements needs to be considered in relation to highway safety.
- Highways must take into consideration the narrow width of the single pavement on the opposite side of the road to this proposal. Just yesterday a lady had to push her pram in the roadway as the already narrow pavement obstructed by overhanging trees/bushes. I understand that it is not uncommon to see prams having to carry out this manoeuvre. Irrespective of the proposed development there is already a serious pedestrian safety hazard on Britannia Road. The highways officer does need to weigh up the intensification of both road and pedestrian traffic from the development together with an increase in cars parked on the highway (as has occurred after the recent Mill View development) and the impact in terms of safety on an existing single and very narrow pavement.

- We note the use of Stacker Parking which is not a convenient or quick way of parking for most people and will add to more vehicles parking on Britannia Road again adding to highway safety issues. How does parking layout work when the top car is needed? Car underneath reverses out blocking one way system whilst lift operates, top car is then reversed and driven off the bottom car returns?
- The only hard surfaced non parking around the existing building is an area marked on site survey as unsafe for manned access, detail collected remotely. The residents will need to car travel or walk to find any nearby amenity space and it is currently not a safe environment for walking with the narrow pavement on one side of the road only.
- Will the car stacking systems be visible from the canal 3.5m high lines of stackable vehicles would not be the most attractive of views for residents or from a high value amenity such as a canal towpath.
- Land allocation – as per the recent refusal for residential use on the nearby site (to the east) on the opposite side of road . 2018/60/91018/W Reason for refusal –

*The proposal would result in the loss of part of an employment allocation (B1.5) contrary to Policy B1 of the Kirklees Unitary Development Plan. In addition given the sites close proximity to an existing, unrestricted employment use on the opposite side of Britannia Road, the, the residential use would be incompatible with, and prejudice its continued use as employment land, contrary to Policy PLP8 of the Emerging local Plan.” The application would appear to be in conflict with above policy for this area which seeks to maintain an employment use.*

- I am broadly in support of the proposed plans (2018/90501) to renovate the former Lindsays Allsorts building into 63 new residential units and refurbished retail space. The building has fallen into a state of disrepair, the apartments will provide accommodation to address the housing shortage and it will bring new people to the area.
- My one major concern is the access along Britannia Road. There is a major bottleneck along a 120 m (400 ft) section at the junction with Scar Lane due to the cars parked in front of the houses which effectively reduces the road to a single track. In the middle of the day when residents are out this is less of an issue but in the mornings and from late afternoons onward it can become a major problem due to the volume of traffic in both directions. This traffic includes heavy lorries visiting the industrial units on Britannia Road and therefore it can be necessary to reverse for considerable distances in order to give way and/or for queues to form back out onto Scar Lane. Furthermore, the speed at which some motorists approach this blind bend along Britannia Road adds an additional danger. I not sure how best these issues can be resolved as I am sure the residents along that stretch of Britannia Road will, understandably, not take kindly to being told that they can no longer park in front of their houses (even if alternative off-road parking were to be provided), there is little room to allow the road to be widened, an additional access road would be expensive and making Britannia Road one-way would, I expect, be highly unpopular. However, this does need to be addressed as 63 new residential properties on Britannia Road will add considerable amounts of traffic and especially so at rush hour when these problems are most acute.

Councillor Hilary Richards makes the following comments:

*“Apart from some concern about exiting into Scar Lane from Britannia Road I cannot see arguments to stop this development apart from technical ones that planning will have looked into I am concerned about the exit into Scar Lane however and wonder if traffic lights at this T-junction might be considered”.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

K.C.Highways DM – Object to the proposal. Details set out in the officer report.

Canal and Rivers Trust – No objection subject to a condition.

Environment Agency – No objection.

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

K.C Ecology – prior to determination the ecological information will need to be updated to provide an Ecological Impact Assessment including the results of sufficient bat survey and an evaluation of all habitats within the application area.

K.C Education – A contribution will be required.

K.C. Environmental Health – No objection subject to conditions relating to air quality, contamination and noise.

K.C. Biodiversity Officer – Object for the following reasons:

- The proposals have the potential to result in significant ecological impacts, for which no mitigation has been presented, and the proposals have not been designed in accordance with the mitigation hierarchy set out in NPPF and policy PLP 30.
- Insufficient information has been presented to demonstrate that European protected species (e.g. bats) will not be directly impacted. It is therefore not possible for the LPA to discharge its duty under regulation 9 of the Conservation of Habitats and Species Regulations 2017.
- The proposals are likely to result in a net loss of biodiversity, rather than the required net gain. There is no evidence that the proposals have been informed in any way by the results of the preliminary ecological work undertaken, and consequently the proposed layout is inconsistent with the NPPF and policy PLP 30. In addition the proposals will result in the loss of KWHN and do not provide a net biodiversity gain. As the layout is one of the matters for which permission is sought I object to the proposals.

K.C. Strategic Drainage – Objects. Kirklees Flood Management and Drainage objects to this application on the following grounds:

- No consideration has been given to flood risk to and from the site – no Flood Risk Assessment was provided;
- No drainage strategy or proposals have been submitted.

K.C Landscaping – Raise the following concerns and comments:

“No landscaping is proposed. This is unacceptable. The residents moving into the proposed development apartments will need some outdoor space (having no gardens of their own) and an attractive setting for the mill and parking area is important in this location, adjacent to the Huddersfield Narrow Canal and abutting the Wildlife Habitat Network. New developments, irrespective of whether they are mill conversions or new housing estates should enhance the character of the area in landscape terms and consider potential for SuDS, rain gardens etc. where possible. We will therefore require full detailed landscape plans for hard and soft landscaping.

63 apartments trigger the requirement for 1080 sq.m of public open space (POS) within which there should be a Local Equipped Area of Play (LEAP) with its own commuted sum. The proposal shows no public open space being provided, reinforced by the comment that there will be no landscaping in the Planning Statement. In lieu of the provision of a Local Equipped Area of Play being constructed on site due to the limited space and number of parking spaces required for the apartment blocks, we would recommend a contribution towards the proposed playable spaces within the recommended guidelines of a 15 m walk, namely Crow Lane Rec. In addition to this, the site area being over 0.4ha triggers the requirement for on-site pos (as per the UDP of 30sq.m. per dwelling or off site lump sum payment in lieu of this being on site).

A Without Prejudice off-site lump sum contribution, in lieu of both POS and LEAP, of approximately £197,842, would be required (however, this could be reduced if there is any useable well designed accessible pos incorporated within the scheme, and provided in perpetuity on the site as mentioned above). This pos would be for the benefit of the residents in the apartments with no garden or outdoor space included in the design and publicly accessible”.

Public Rights Of Way - PROW has no ‘in principle’ objection to development here (change of use and alterations) but there are concerns that a development of this nature has no indication of proposals or improvements relating to non-vehicular sustainable transport, potentially including the local PROW network. The local planning authority is asked to consider making a requirement for a reasonable and appropriate scheme.

## 9.0 MAIN ISSUES

Principle of development  
Character, appearance and layout  
Heritage  
Highway safety and efficiency  
Drainage and flood risk  
Air quality  
Ecological Issues  
Infrastructure  
Conclusion

## 10.0 APPRAISAL

### 10.1 Principle of development

The application site is without notation on the UDP proposals map and it is therefore considered that the principal policy determining the suitability of this proposal with regard to the UDP is D2 which indicates that development on such land will be permitted provided that the proposals do not prejudice:

- i the implementation of proposals in the plan;*
- ii the avoidance of over-development;*
- iii the conservation of energy;*
- iv highway safety;*
- v residential amenity;*
- vi visual amenity;*
- vii the character of the surroundings;*
- viii wildlife interests; and*
- ix the efficient operation of existing and planned infrastructure.*

### 10.2 **Policy B4** of the UDP is also relevant as it states:

*Proposals involving the change of use of premises and sites with established use, or last used, for business and industry will be considered having regard to:*

- i) The suitability of the land and premises for continued business and industrial use;*
- ii) The availability of business and industrial premises of equivalent quality;*
- iii) The number of jobs likely to be created or maintained;*
- iv) The compatibility of the proposed use with surrounding uses;*
- v) The effect on the future operational flexibility of any neighbouring businesses;*
- vi) The effect on any buildings or architectural or historic interest;*
- vii) The effect on local amenity;*
- viii) The effect on the local highway network; and*
- ix) The potential for the site to be served by rail*

- 10.3 With regard to the Local Plan, the NPPF provides guidance with regard to decision making and the emerging plan (para 48):

*“Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).” (NPPF, Paragraph 48)*

- 10.4 The site forms part of a wider Priority Employment Area allocation in the Kirklees Publication Draft Local Plan (PDLP). Policy PLP8 is therefore applicable:

***Policy PLP 8***

***Safeguarding employment land and premises***

*1. Proposals for development or re-development for employment generating uses in Priority Employment Areas will be supported where there is no conflict with the established employment uses in the area.*

*2. Within Priority Employment Areas, proposals for redevelopment resulting in a non-employment end use, or for the conversion or change of use of sites and premises in use or last used for employment, will only be supported where:*

*a. it can be demonstrated that the site or premises are no longer capable of employment use; and b. the proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.*

- 10.5 The preparation of the council's emerging Local Plan has therefore reached an advanced stage with anticipated adoption of the plan in early 2019. Consequently, it is considered that it must now be given considerable weight in the determination of planning applications. The implications of this proposal on the plan must therefore be considered, bearing in mind this site is outlined as part of a larger Priority Employment Area in the PDLP (KR3).

- 10.6 In response to this policy, the applicant states that between 1990 and December 2016, the bottom two floor of the building were occupied by Lindsays Allsorts (Furniture Retailer) Lindsays announced their closure in Dec 2015. The building was then occupied by 'Furniture by Stan' between December 2016 and December 2017. At its peak Lindsays employed between 8 and 10 FTE staff, including two directors. During the 26 years on the site the numbers fell, as the business became less viable. Furniture by Stan, who took over the building, operated with two Directors and a delivery driver, but they were unable to make a success of the business and closed in December 2017.

- 10.7 During the 26 years Lindsays operated on the site they were continually looking to increase the efficiency of the building by looking to attract new users to increase the occupancy of the building, which was always under used. This would have helped with the viability of their business. During those years a number of businesses moved into the building, including Nicco Bathrooms, Carpet Mill, Ultra Finishing, Rug Traders, Global Arts, Cookware, My English Bistro and finally Parkys Bistro, but none were able to operate a viable business in that location and either closed or took premises elsewhere.
- 10.8 Upon taking ownership of Stanley Mills the applicant explored a number of options for the Mill. According to the applicant the fabric of the building is old and not suitable for flexible redevelopment. The plans submitted with the planning application show that there are two columns of 23 supporting cast iron pillars that run along each floor. These restrict the efficient use of the space making redevelopment costly. B1 and B2 uses do not generate the levels of income required to redevelop the building. The proposed residential development provides a viable use for the building, enabling Lindsays Allsorts, which is an established name in that location, to operate from a smaller more viable footprint. This will ensure the number of jobs provided previously in the building can be maintained, with expectations that the business can flourish creating more employment opportunities in the future.
- 10.9 Officers have considered the applicant's submission. However, the proposed residential element lies in within the emerging Priority Employment Area and given the nature of the neighbouring uses at Britannia Mills Trading Estate and the unrestricted nature of those uses (in terms of hours of operation); the provision of residential in this location could significantly affect existing uses on site and the provision of future employment uses. The emerging policy is intended to prioritise employment uses over non-employment uses. Furthermore, UDP policy B4 states, *inter alia*, that proposals involving the change of use from business uses should consider the compatibility of the proposed use with surrounding uses and the effect on the future operational flexibility of any neighbouring businesses. Whilst the proposed development would create additional jobs and help retain the existing building thus complying with elements of policy B4; the provision of residential is considered to be in overall conflict with the policy by the way it would affect the surrounding uses and flexibility of neighbouring uses in future.
- 10.10 It is also noteworthy that Strategic Planning Committee refused an outline application for residential development (2018/91018) further to the north east of the site and on the opposite side of Britannia Road. This application site is directly opposite Britannia Mills Trading Estate and was refused in June 2018 for the following reason:

*The proposal would result in the loss of part of an employment allocation (B1.5) contrary to Policy B1 of the Kirklees Unitary Development Plan. In addition given the sites close proximity to an existing, unrestricted employment use on the opposite side of Britannia Road, the residential use would be incompatible with, and prejudice its continued use as employment land, contrary to Policy PLP8 of the Emerging local Plan.*

- 10.11 Members should note that site 2018/91018 was in the current employment allocation whereas the current application site lies on an unallocated land in the UDP. However, in that particular case members raised objection with the close proximity of the site to the unrestricted employment use at Britannia Mills Trading Estate and the fact that it was incompatible with the emerging Local Plan which designates the whole area as a Priority Employment Area.
- 10.12 The layout of the site also means that there would be light industrial uses taking place within the same building as the residential uses. It is accepted that proposed business operating hours could be restricted by condition. However, the proposed B1 light industrial uses could lead to noise within and outside the building from vehicles and staff members working, loading and carrying out their day-to-day business activities. The opening of windows and Juliet balconies within the residential element, particularly those overlooking the car park, could result in some noise and disturbance from activities within the building and car park and activities on the site adjacent.
- 10.13 The applicant did not make representation on the emerging Priority Employment Area designation as part of the Local Plan process. Whilst the applicant has stated that attempts have been made to market the site and there is clear evidence that the existing building has not managed to secure a long-term tenant for some time, the site has not been marketed in light of the emerging Local Plan Priority Employment Area designation. In addition, whilst the applicant has stated that the residential element is necessary in order to secure the long-term viability of the site, no financial evidence has been submitted in support of the application. In light of all the above, it cannot be concluded that there is no reasonable prospect of the site being used for employment purposes in the foreseeable future. Fundamentally, therefore, the proposal fails to satisfy policy PLP8 of the PDLP.
- 10.14 In terms of the retail element, retail on site is an established use and the proposed development involves consolidating this into a smaller floor area. There is no conflict with policy in this respect given the fall-back position.

#### Character, Appearance and Layout

- 10.15 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 12 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.
- 10.15 The conversion of the units would bring about benefits because it would allow a redundant mill building to be brought back into use. Whilst the building is not listed, on the face of it the building appears in good condition and is an example of a Victorian mill building which makes a positive contribution to the character and appearance of the street scene.

- 10.16 The proposed layout includes a large number of residential units, the retention of 750m<sup>2</sup> of retail floor space and the provision of 8no light industrial units. There are concerns that the number and scale of uses would represent overdevelopment due to the mix and nature of uses proposed and the constrained nature of the space around the existing mill building. This is further highlighted by the constrained nature of the parking layout and the fact that the applicant is proposing 'stacker' parking spaces in order to accommodate the number of units. This would be detrimental to the character and appearance of the host building and potentially the wider area given the functional and unsympathetic appearance of the stacker units on the edge of the canal cutting.
- 10.17 Consequently, it is considered that the proposed layout would not accord with policies BE1 or BE2 of the UDP, Policy PLP24 of the KPDLP and national policy guidance contained in Section 12 of the NPPF.

### Heritage

- 10.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 16 of the NPPF focuses on good design, chapter 16 relates to heritage assets. Policy PDL55 reflects the NPPF in respect of heritage assets.
- 10.19 There is a Grade II listed bridge over Huddersfield Narrow Canal and the River Colne. Given that the proposal involves a change of use with relatively minor operations to bring the building back into use, the impact on the Grade II listed structure is not considered to be significant. Furthermore, the existing mill building sits on a higher level and set back from the edge of the canal screened by trees and vegetation.

### Residential amenity

- 10.20 The proposed units comprise the following floor areas:

1 bed range between 50 – 68m<sup>2</sup>  
2 bed range between 75 – 80m<sup>2</sup>  
Maisonettes between 55 – 95m<sup>2</sup>.

- 10.21 Whilst some of the maisonettes in particular are small, each room would have access to natural light. However, none of the apartment units would have access to open space. The nearest access to recreational space would involve a 250m walk to the west along Britannia Road then across the bridge to the canal towpath. There are two play areas within a 15 minute walk which would benefit from a contribution. The applicant has stated that they are willing to provide a small area of amenity space overlooking the canal to the south west of the site. Whilst no details have been submitted, this would assist in providing an amenity area for future residents. However, an off-site contribution towards POS and play provision would still be required if an acceptable amenity area was provided on site.

- 10.22 The applicant has carried out a broad assessment of the uses within the closest employment site which lies adjacent to Stanley Mills and within the emerging Priority Employment Area (Stanley Mills Trading Estate). This includes a handmade pine furniture company, a motor vehicle mechanics and a shot blasting company.
- 10.23 No noise information has been submitted with the application although a condition relating to this issue is recommended by Environmental Health. However, even if a noise survey was submitted, it is noted that the wider emerging Priority Employment Area including Stanley Mills Trading Estate does not have any restrictions in terms of hours of operation for its existing businesses. There is also the potential that the Priority Employment Area could be redeveloped at some point in future and residential development could provide a substantial constraint for future any future development.
- 10.24 In terms of the impact on existing properties, there are no properties on the opposite side of Britannia Road with habitable room windows facing the mill building. There is a new build property with a gable facing the mill building on the opposite side of Britannia Road. The only potential for overlooking would be into the rear garden of this property from the upper floors of the mill building which is approximately 10m away. However, given the fact the mill building is offset from this property, it is not considered that the rear garden would receive an unacceptable or significant level of overlooking. Consequently, the privacy of the occupiers of this property and all other properties within the vicinity of the site would be adequately maintained. In this regard the proposed complies with BE12 of the UDP and PLP24 of the PDLP.

#### Highway safety and efficiency

- 10.25 It is intended to serve the proposed development from an existing access point off Britannia Road. The existing hard standing area would be formalised into a parking and manoeuvring area for the businesses and residential element. Parking is also proposed in the basement.
- 10.26 Highways DM have assessed the revised proposals and do not consider that sufficient information has been submitted in order to provide a meaningful response. The original Transport Assessment has not been updated to reflect the amended proposals. In addition, Highways DM raise the following concerns:
- *The size of the proposed retail unit is increased and there is no information regarding how the trip generation for the retail element of the site is calculated. An A1 Retail convenience store could generate far in excess of the figures quoted in the current Assessment. The traffic generation for the industrial units is also not included.*
  - *Bin stores are shown for both retail and residential uses. No details are provided to explain how these will be accessed and no swept paths are provided to demonstrate that an 11.85 metre refuse vehicle can enter and turn within the site.*
  - *The revised parking schedule quotes 51 spaces for the retail parking including 2 disabled spaces, 8 loading bays and 8 parking spaces for the industrial units and 54 spaced for the retail units. The parking spaces within the basement may not be suited to the proposed retail use. The concern would be that customers*

*may find it more convenient to park on-street which may not be in the best interests of highway safety.*

- *The proposed sight lines from the proposed access onto Britannia Road are not shown on the plans.*
- *Objectors have high-lighted the poor standard of the pedestrian access to the public transport facilities at this location. There are no footways to the southern side of Britannia Road and passengers will need to wait in the Britannia Road carriageway.*
- *No information is provided regarding the servicing of the site (no swept path analysis).*

10.27 Officers have additional concerns relating to the proposed stacker units. It is not considered likely that they would be readily used, only as a last resort, and there is the potential that the practicality of operating them along with the time taken would encourage parking elsewhere, including on-street. There are further concerns with their long term operation and reliability.

10.28 Overall insufficient information has been provided to fully assess the impact of this proposal on the local highway network and it is therefore considered that this proposal does not accord with UDP policies T10 and T19 and KPDLP policies PLP 21 and PLP22 with regard to the potential impact this development would have on the local highway network.

#### Drainage and flood risk issues

10.29 The application site is located in Flood Zone 1 and at low risk from flooding from rivers. However, the site also lies in an indicative critical drainage area. There is no supporting information with the application relating to drainage and flood risk. However, it is noted that the proposal involves a change of use and no additional hardstanding is proposed and therefore, the site already drains surface water. The proposal would not alter the existing situation.

10.30 The Lead Local Flood Authority (LLFA) object to the proposal on the basis of a lack of Flood Risk Assessment and drainage strategy. Given the nature of the proposal involving a change of use, clarification has been sought from the LLFA as to the extent of additional information required. An update will be provided to committee on this matter as part of the written update.

#### Air quality

10.31 The proposal is a major development and due to its likely impact on air quality in the vicinity would require measures to mitigate this impact. Officers consider that the impact on local air quality could be offset by the inclusion of electric charging points and the implementation of a travel plan to encourage more sustainable transport methods. These matters can be satisfactorily dealt with via appropriately worded planning conditions.

#### Ecological issues

10.32 The Council's ecologist has commented that prior to determination the submitted ecological information will need to be updated to provide an Ecological Impact Assessment including the results of sufficient bat survey and an evaluation of all habitats within the application area.

10.33 As a consequence of the above, the proposals have the potential to result in significant ecological impacts, for which no mitigation has been presented, and the proposals do not accord with UDP policies D2, NE9 and PDLP policy PLP 30 and Section 15 of the NPPF with regard to its potential impact on local ecology.

#### 10.34 Infrastructure

In accordance with para 56 of the NPPF planning obligations should only be sought where they meet the following three tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

#### *Education Provision*

10.35 Para 94 of the NPPF states that great weight should be given to the need to create, expand or alters schools. In line with the requirements for 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional school places. In order to address the additional pressure on local schools, the Council Education section is likely to require a contribution. The final contribution required will be reported as an update.

#### *Public Open Space*

10.36 Policy H18 of the UDP requires 30sqm of Public Open Space (POS) per dwelling on development sites in excess of 0.4 hectares. A contribution is also required towards locally equipped play areas. Policy PLP63 carries forwards POS and play area contribution requirements into the Local Plan.

10.37 In this case an off-site lump sum contribution, in lieu of both POS and LEAP, of approximately £197,842, would be required. However, this figure could be reduced if there is any useable well designed accessible POS incorporated within the scheme, and provided in perpetuity on the site as mentioned above.

#### *Affordable Housing*

10.38 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. This equates to 8no units within the proposed development. However, further clarification will be provided on this matter as it is likely that the scheme would benefit from Vacant Building Credit which is likely to significantly reduce the affordable housing requirement in this case.

## 11.0 CONCLUSION

- 11.1 The application site lies on an area of unallocated brownfield land on the UDP. Within the emerging Local Plan the site is designated as a Priority Employment Area.
- 11.2 It is against the context of the emerging Local Plan and the character of the surroundings that officers have significant concerns. The proposed residential element adjacent to an established area of employment uses to the north east, which includes B2 uses, could be significantly affected by these operations taking place within such close proximity of the mill. Furthermore, the PDLP prioritises employment uses within the site and wider area. Consequently, there are significant concerns that residential in this location would undermine the potential of employment generating proposals within the wider allocation and reduce impact on the flexibility of existing industrial uses. It is not considered that the requirements of B4 of the UDP and PLP8 of the PDLP have been met in this case.
- 11.3 Further to the above, there are significant concerns relating to the over-developed nature of the proposals contrary to policies BE1 and BE2 of the UDP and PLP24 of the PDLP.
- 11.4 Finally, the applicant has failed to demonstrate that that this proposal would not have a detrimental impact on highway safety and local biodiversity.
- 11.5 In conclusion, the tilted balance in favour of sustainable development as advocated by para11 of the NPPF is engaged in this case, however there are impacts of granting planning permission which would significantly and demonstrably outweigh the benefits.

## 12.0 Reason for refusal

1) The site lies in close proximity of existing, unrestricted employment uses. In addition, the site lies within a wider Priority Employment Area as detailed in the Kirklees Publication Draft Local Plan. The provision of residential accommodation in this location would not be compatible with neighbouring uses and would prejudice the continued use of neighbouring land for employment purposes and affect the flexibility of those established uses. The proposal is therefore in conflict with policies D2 and B4 of the Kirklees Unitary Development Plan and policy PLP8 of the Kirklees Publication Draft Local Plan.

2) The proposed development includes the provision of 42 dwellings, 8 light industrial units and the retention of retail space. The combination and scale of these uses would result in a constrained parking and servicing area. A number of parking spaces would be 'stacker' units which would represent unacceptably poor design, harmful to the character and appearance of the area and the host building. Consequently the proposed development conflicts with policy D2 of the Kirklees Unitary Development Plan and PLP24 of the Kirklees Publication Draft Local Plan.

3) The applicant has failed to demonstrate that the proposal would not have a detrimental impact on highway safety. This would be contrary to Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan policy PLP21.

Ecological Impact Assessment including the results of sufficient bat survey and an evaluation of all habitats within the application area.

4) There is insufficient information relating to how the development would impact on the local ecology, particular bats, and it has not been demonstrated that the proposed development would contribute to, and enhance the natural environment. The proposal is therefore contrary to Kirklees Unitary Development Plan Policies NE5 and BE2 (iv) of the Kirklees Unitary Development Plan and Policy PLP30(i) (ii) of the Kirklees Publication Draft Local Plan and paragraph 175(a) of the National Planning Policy Framework.

5) There is no information supporting the application relating to requirements to support local infrastructure. A S106 agreement is required to ensure contributions towards affordable housing, education, Public Open Space and play equipment. The proposed development, therefore, fails to achieve the requirements of Policy PLP4 of the Kirklees Publication Draft Local Plan.

**Background Papers:**

Application and history files.