
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Mar-2019

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

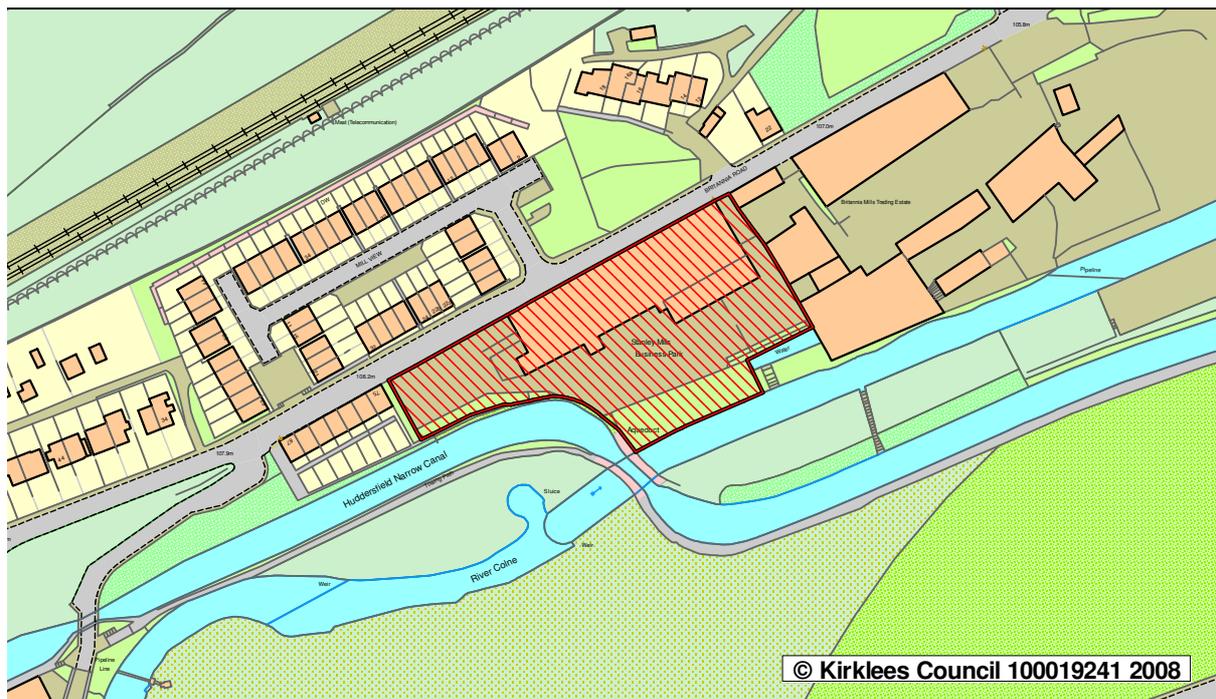
EXTENSION EXPIRY DATE

01-Dec-2018

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

Electoral Wards Affected: Golcar

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: Refuse

For the following reasons:

1) The site forms part of 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 the allocation and would prejudice the continued use of neighbouring land for employment purposes and detrimentally 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 policies PLP8, PLP24 and PLP52 of the Kirklees Publication Draft Local Plan.

1.0 INTRODUCTION:

- 1.1 This application is brought to the planning sub-committee for determination as the site area exceeds 0.5 ha but proposes less than 60 units.
- 1.2 The application was deferred by members at the Huddersfield Planning Sub-Committee on 13th December 2018. This was at the applicant's request in order to allow additional time to address all the matters of concern, including noise issues.
- 1.3 The applicant has now submitted a noise report, an amended transport statement, ecological impact assessment and a revised site plan.

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 mainly for 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 change of use to create 42 dwellings comprising a mix of one and two bedroom flats and the re-configuration of the retail floorspace to create 750m² of modern retail floorspace on the ground floor.
- 3.2 It is also proposed to introduce 8 small light industrial units (B1c use class) within the ground floor, each of which would include a loading bay accessed from the car park/servicing area at the rear of the building. The remainder of the ground floor would be used as a service/storage 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 80 car parking spaces are proposed comprising 18 retail spaces, 8 spaces for light industrial units and 54 residential parking spaces.
- 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 Originally the application involved 63 residential units and 600m² (retained) retail floorspace.
- 5.2 The applicant has revised the scheme to remove residential accommodation within the basement and at ground floor level. As a consequence the total number of units has been reduced to 42. Eight light industrial units (B1c) have also been included within the ground floor. Further amendments have been made to the parking and overall layout.
- 5.3 Additional detail has been provided in response to initial comments from the Canal and Rivers Trust and additional noise, ecology and highways information submitted.

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 (2019). 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 (2019), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 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 Inspector's Report of 30/01/2019 concluded that the draft Local Plan provides an appropriate basis for the planning of Kirklees, provided that modifications are made to it. Given the conclusions of the Local Plan Inspector, adoption of the draft Local Plan is to be considered by Council on 27/02/2019. If Council resolve to adopt the Local Plan at that meeting, the Local Plan would carry full weight as the statutory development plan (effective immediately), and the UDP policies listed below would need to be disregarded.
- 6.3 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

6.4 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

6.5 Kirklees Publication Draft Local Plan (PDLP): Submitted for examination April 2017

PLP1 – Presumption in favour of sustainable development
PLP3 – Location of new development
PLP4 – Providing Infrastructure
PLP7 – Efficient and effective use of land and buildings
PLP8 – Safeguarding employment land and premises
PLP11 – Affordable Housing
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
PLP49 – Educational and health care needs
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 – The revised Transport Statement does not fully address the highway concerns. Further information is required in relation to the servicing requirements for the different uses within the building along with refuse vehicle swept paths. Sightlines onto Britannia Road should also be provided. The applicant has not commented on the poor standard of the pedestrian access to public transport, as raised by objectors.

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

Environment Agency – No objection.

8.2 Non-statutory:

K.C Ecology – Ecological Impact Assessment submitted and is being considered. Response to be provided within the written update.

K.C Education – No education contribution is required

K.C. Environmental Health – No objections based on the revised noise report which proposes secondary glazing to all elevations. Conditions relating to air quality and contamination are recommended.

K.C. Strategic Drainage – No objections

K.C Landscaping – Concerns raised with the amount of landscaping and outdoor space for future residents. The development triggers a requirement for 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 on site. We would recommend a contribution towards the proposed playable spaces within the recommended guidelines of a 15 m walk, namely Crow Lane Rec.

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

Principle of development

10.1 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 sets out the Council's approach to safeguarding employment land and premises in Priority Employment Areas. It states:

Policy PLP 8

Safeguarding employment land and premises

- 1. Proposals for development or re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area. In instances where the site is out of centre and the proposal includes main town centre uses then policy PLP 13 will need to be applied.*
 - 2. Within Priority Employment Areas, proposals for redevelopment resulting in a non-employment generating 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 Paragraph 48 of the NPPF advises that weight may be given to relevant policies in emerging plans according to the stage of preparation, the extent of unresolved objections and consistency with the Framework. The Emerging Plan has been examined in public and found to be sound and the adoption of the Local Plan will be considered by the Council on 27th February 2019. The Emerging Plan is therefore a material consideration to which significant weight is attached. 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 floors 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 (PEA) 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 and the provision of future employment uses within the PEA.
- 10.10 The emerging policy is intended to prioritise employment uses over non-employment uses. It recognises the important role PEAs play in providing local employment opportunities and contributing to the local economy, whilst allowing flexibility for change of use if certain criteria are satisfied. The PEAs that have been allocated within the Plan are necessary to meet the council's employment land supply and its ambition to increase jobs growth above baseline trends, achieve expansion of the manufacturing and engineering sector, and attain an employment rate of about 75% by 2031.
- 10.11 PEAs are based on a wide ranging assessment of the suitability of existing employment sites for continued business and industrial use. The proposal represents a loss of part of the employment land use, albeit with the provision of some new light industrial units within another part of the building. Much more significantly however the proposal would prejudice the operational flexibility of established employment uses on the adjacent part of the PEA. There is also the potential that the PEA could be redeveloped at some point in future and residential development could provide a substantial constraint for any such future development.
- 10.12 In summary the council's employment strategy over the plan period is based on the retention of established business uses within the PEAs and officers consider that the application would unacceptably compromise this Priority Employment Area.
- 10.13 It is also noteworthy that the 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.

- 10.14 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. The applicant has appealed the refusal of planning permission and a decision is awaited.
- 10.15 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 generating purposes in the foreseeable future. Fundamentally, therefore, the proposal fails to satisfy policy PLP8 of the PDL.
- 10.16 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 the future.
- 10.17 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

- 10.18 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Policy PLP24 of the emerging Local Plan sets out how proposals can promote good design. Section 12 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.

- 10.19 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. The external alterations to the building are considered to be sympathetic to the host building.

Heritage

- 10.20 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 12 of the NPPF focuses on good design, chapter 16 relates to heritage assets. Policy PDLP35 reflects the NPPF in respect of heritage assets.
- 10.21 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 considered neutral. 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

- 10.22 The proposed units comprise 32no 1 bed units and 10no 2 bed units. The size of each of the flats is sufficient to provide a good standard of amenity for future occupiers.
- 10.23 The latest site plan includes a small area of residential garden area overlooking the canal towards the south west of the site and this would assist in providing an amenity area for future residents. The nearest public recreational space would involve a 250m walk to the west along Britannia Road then across the bridge to the canal towpath. There are also two play areas within a 15 minute walk, including Crow Lane Rec.
- 10.24 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.
- 10.25 A noise report has been submitted by the applicant which proposes secondary glazing to all facades of the building. Kirklees Environmental Services have advised that the specification of glazing proposed would be sufficient to protect future residents from noise associated with proposed and existing non-residential development within and adjacent to the site. The emerging Priority Employment Area, including Stanley Mills Trading Estate, does not have any restrictions in terms of hours of operation for its existing businesses. Environmental Services are aware of this but consider that the specification of glazing would still be sufficient in the event that the hours of operation or the nature of the industrial uses within the Stanley Mills Trading Estate changed in the future. The unrestricted nature of the established uses within the PEA does however give rise to the possibility that other nuisances, for example odours, become a source of nuisance in the future.

10.26 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

10.27 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.

10.28 Additional highways information has been provided. The revised Transport Statement does not fully address the original highway concerns and further information is awaited in relation to the servicing requirements for the different uses within the building along with refuse vehicle swept paths. It is also necessary for sightlines onto Britannia Road to be demonstrated. An update on these matters will be provided within the written update.

10.29 Subject to the submission of acceptable details to address the above the application is considered to be acceptable from a highway safety perspective.

Drainage and flood risk issues

10.30 The application site is located in Flood Zone 1 and at low risk from flooding from rivers.

10.31 The site also lies in an indicative critical drainage area. Critical drainage areas are a Kirklees classification and simply indicate areas within the district that are more problematic in terms of surface water flooding. The Lead Local Flood Authority have been consulted on the application and have not raised any objections to the application.

Air quality

10.32 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 in accordance with PLP24 and the West Yorkshire Low Emissions Strategy.

Ecological issues

- 10.33 An Ecological Impact Assessment has recently been submitted and is being considered by the Ecology Unit. A full response will be provided on ecology issues within the written update.

Infrastructure

- 10.34 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 The council's School Organisation service has confirmed that no education contribution is required. The number of two bed units within the development does not meet the threshold for a contribution.

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 forward 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, would be required. The figure will be confirmed in the written update. There are two play areas within a 15 minute walk of the site, one of which is Crow Lane Rec. The contribution would be targeted at these two nearest play areas.

Affordable Housing

- 10.38 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. Policy PLP11 states that where a housing development would provide more than 10 homes the proportion of affordable homes should be 20% of the total units. In this case however the flats would be formed within the upper two floors of the building that have been, to all intents and purposes, vacant for a significant period of time. The applicant has advised that the second floor has been vacant for at least 20 years and the first floor has only been used for occasional storage use in connection with the ground floor retail use. As such the scheme would benefit from Vacant Building Credit and consequently no affordable housing contributions apply.

Sustainable travel

- 10.39 On developments of this scale it is normally expected that provision be made to encourage sustainable forms of travel. The PROW officer has raised concerns that the development provides no indication of proposals or improvements relating to non-vehicular sustainable transport, potentially including the local PROW network and considers that a contribution would be reasonable towards an appropriate improvement scheme. It is considered that

a contribution towards this should be secured by s106 with the level of contribution being based on standard requirements for the provision of Metro Cards.

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, this is given significant weight as a material consideration in the assessment of this application.
- 11.2 It is against the context of the emerging Local Plan and the nature of the surrounding land uses that officers have significant concerns. The proposed residential element is adjacent to an established area of employment uses to the north east, which includes unrestricted B2 uses. The PDLP prioritises employment uses within the site and wider area. Consequently there are significant concerns that introducing a residential use in this location would undermine the potential of employment generating proposals within the wider allocation and 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 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.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90501>

Certificate of Ownership – Certificate A completed.