
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 19-Dec-2019**

Subject: Planning Application 2019/91633 Outline application for extension and alterations to existing mill remains to create 33no. apartments with parking and services at ground floor level, and change of use of former office building into one dwelling and the existing gate house to cycle parking facilities with ancillary works including the provision of open space 4a, Ruth Street, Newsome, Huddersfield, HD4 6JF

APPLICANT

Panorama Living Ltd

DATE VALID

16-May-2019

TARGET DATE

15-Aug-2019

EXTENSION EXPIRY DATE

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: Newsome☐ Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- 1) Phasing of the development hereby approved and securing the implementation of the restoration of the existing mill, and
- 2) The subsequent provision and maintenance of the communal garden area.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 There are 3x applications received including this which relate to the redevelopment and restoration of the Newsome Mills, following the extensive fire damage that it suffered in 2016.
- 1.2 These are:
 - 2019/91630: Outline application for 30 no dwellings and 12 apartments;
 - 2019/91633: Outline application for extension of mill remains to create 33 apartments, with parking and services on the ground floor and the conversion of the former office building to one dwelling; and
 - 2019/01404: Lister building consent for works to the former mill
- 1.3 Given that the 3x applications are all interlinked and necessary if the mill is to be restored and brought back into beneficial use, these 3x proposals will all be dealt with at the same at the same Committee, which given that the total number of new residential units that would be created is in excess of 60(ie 76) is the Strategic Committee.

- 1.4 A more detailed summary of the viability issues than is covered in this report than that to be provided as a private paper as the information is likely to be commercially sensitive. Committee Members may wish to discuss this in private session at the committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is the former Newsome Mill that is situated to the north of Ruth Street and turns the corner northwards along Hart Street. Land to the east of the building is residential, to the north is vacant land that has had previous planning permission for residential development and to the immediate south a range of former mill buildings that have been converted to various uses.
- 2.2 The mill complex, has suffered extensive fire damage and has been partly demolished with the former mill having being reduced to outside walls to first floor level with the remains of the lodge and office together with a substantially reduced clock tower structure.
- 2.3 To the rear of the former mill complex is a cleared area which is currently very overgrown and unkempt and suffering from fly tipping.
- 2.4 The whole site comprises an area of 1.08 ha, and is allocated for housing in the Kirklees Local Plan (HS43).
- 2.5 The site the subject of this application comprises an area of 0.26 ha, primarily including the remains of the mill, lodge and mill gates and mill offices to the SW of the mill is an area of open space, which abuts a number of dwellings on Ruth Street. The former principle access into the mill, is located immediately to the SW of the former mill.

3.0 PROPOSAL:

- 3.1 Outline permission is sought for the erection of an extension to the remains of the mill (ie 4 no storeys) to create 33 no apartments with parking area on the ground floor accessed from the rear via the adjoin application site from Hart Street.
- 3.2 The mix of dwellings would be a 15 no 1 bed apartments and 18 no 2 bed apartments. In addition the conversion of the former office block into a single dwelling is proposed, with the former lodge building being used for a cycle store. The repair of the clock tower is included as part of this development, as well as he accompanying listed building consent
- 3.3 To the SW of the former mill and adjoining the former mill, is an area of open land which is identified on the application plan as community gardens.
- 3.4 The applicants have provided additional information to help in the assessment and this included massing plans, which essentially replicate the same height and mass of building as existed between the former mill and clock tower, prior to the fire.

- 3.5 It is proposed to retain the standing remains of the mill building and incorporate them into the erection of 33 apartments over four storeys with the ground floor forming the car parking and servicing areas; the 33 apartments will be over three floors. The remains of the walls of the mill are to be made structurally sound and all windows and doors and the top of the walls are to be made good. To achieve this it is proposed to erect a steel frame behind the existing walls, tie the walls into the frame and then erect the apartment block behind
- 3.6 The facades of the gate house and the office building are to be cleaned; any new stone work required is to match existing, as are any reinstated/replaced roof slates. Windows and sky lights are to be replaced with timber framed double glazed units and new roof lights are to be conservation type. External rainwater goods are to be removed and rainwater and guttering replaced with a black extruded aluminum system. These works will allow the buildings to be converted into residential use as part of the wider development of the site.
- 3.7 The issue of repairing the Clock Tower, is dealt with in the Listed Building application.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2006/91452 – Application to demolish part of the mill building, erection of 13 dwellings and 11 apartments and conversion of the mill buildings to 45 apartments and 1 dwelling. Conditional full planning permission

2009/93669- Full application for the erection of 20 dwellings and the change of use for the mill buildings into 1 dwelling and 40 apartments – conditional planning permission subject to a 106 agreement.

2009/93672 - Application for Listed Building Consent for conversion of the mill building to 40 apartments – conditional consent

2017/90377 – Application for Listed Building Consent of the demolition of the 4 no storeys of the mill- Withdrawn

2017/93009- LBC to remove the fire damaged debris from the interior Mill building- Approved.

2017/94098 Discharge of condition-Approved (NB. The condition was the Method Statement for the above application 2017/93009).

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

- 5.1 There have been previous approvals for the conversion of the mill into apartments and the redevelopment for housing of the rear of the site, but none of these have materialised.
- 5.2 Since the fire there have been a number of pre application discussion with the applicants/ owner, Historic England Housing KC Housing Growth and ward members to produce a strategy to try and get this site developed ,and the mill restored as far as practicable.
- 5.3 Historic England provided some design brief principles for the layout to the rear of the remains of the mill, that have informed the outline application for that part of the site.

- 5.4 As part of the considerations of these applications additional information has been requested regarding the scale and elevations of the extension to the mill. This has been received and re-consultation, including with Historic England has taken place

6.0 PLANNING POLICY:

Kirklees Local Plan (2019):

- Housing allocation HS43
- LP1 Presumption in favour of sustainable development
- LP3 Location of new development
- LP5 Master planning sites
- LP7 Efficient and effective use of land and buildings
- LP11 Housing mix and affordable housing
- LP21 Highway safety and access
- LP22 Parking
- LP24 Design
- LP28 Drainage
- LP30 Bio diversity and geo diversity
- LP35 Historic Environment
- LP32 Landscape
- LP52 Protection and improvement of local air quality
- LP53 Contaminated and unstable land
- LP63 New Open Space

SPD Highways Guidance (adopted 4/11/19)

National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part12 Achieving well designed places
- Part14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 This application has been publicised by site notices and neighbour letters.

One representation has been received, which indicates whilst the development is dense and there is little room for landscaping it appears to be an appropriate form of development for this difficult brown field site. This is conditional upon the development of the neighbouring fire damaged mill also coming forward .Care should be taken over which materials are used within the developments, to respect the history of the site.

- 7.2 Additional information has been forthcoming regarding the elevational treatments of the extended mill, and materials / style proposed. These details have been re-publicised, and any comments/representation received will be reported direct to Committee.

8.0 CONSULTATION RESPONSES:

Statutory:

- 8.1 **Historic England:** Holding objection Support the schemes in principle but require additional information to issue a formal response additional info to include elevations of the restored mill. Additional information has been provided and HE have been re-consulted. Verbally, the information provided has been satisfactory to remove their holding objection and recommend appropriate conditions for the Section 106 Agreement, as well a detailed conditions of the Listed Building application. Details of the Historic England response will be included in the update.
- 8.2 **KC Lead Local Flood Authority** recommend conditions
- 8.3 **KC Highways** – access and layout acceptable subject to conditions
- 8.4. **British Coal-** the coal mining legacy on this site is a material consideration. Recommend a standard condition.
- 8.5 **KC Trees-** No objections. Landscaping scheme should be conditioned.
- 8.6 **KC Statutory Housing-** Support the scheme in principle development on a brown field site. Affordable housing policy is applicable ie 20% of numbers of units.
- 8.7 **KC Education** – A financial contribution of £137,674 would be required in this instance.
- 8.8 **KC Environmental Health-** No objections recommend conditions regarding
- Provision of electric charging points
 - Contamination and remediation; and
 - A Construction Environmental Management Plan
- 8.9 **KC Conservation and Design** - This application is in outline form with reserved matters, at this stage approval is sought for access, layout and scale. The application has been the subject of much advice over the past year and beyond due to the catastrophic fire to the main building. As part of the pre-application Historic England were consulted over the layout and the rebuilding of the main mill building to seek a way forward. In terms of the layout this is very much how the development was discussed and as such at this stage is felt to be acceptable. Further details will be required at reserved matters stage but in principle I feel this is acceptable.
However, at some stage the proposed development will need to be tied to an agreement that details the repair and conversion of the remaining buildings as this development is seen as ‘enabling’ the retention of these important listed buildings.

- 8.10 **KC Biodiversity-** The site is located adjacent to a section of the Kirklees Habitat Network. On a development of this scale an Ecological Impact Assessment would normally be required to inform any future bio diversity enhancement. This assessment is absent in this case
- 8.11 **KC Landscape Parks and Recreation.** An off- site contribution of £29,750.00 would be required in this case. This would be used to upgrade existing play facilities within a 15 minute walk of this site

9.0 MAIN ISSUES:

- Principle of development
- Heritage/Urban design issues
- Residential amenity
- Highways issues
- Climate Change (Drainage; Biodiversity/landscaping, contamination and remediation; air quality)

10.0 APPRAISAL:

Principle of development

- 10.1 This site comprises part of a larger site which is allocate as housing on the Kirklees Local Plan. Therefore, whilst the principle of residential development is acceptable, the principles of master planning as outlined in LP3 of the Kirklees Local Plan are applicable and as such, the redevelopment of only part of the allocation without details of how it relates to the wider housing site would be unacceptable. An application for the redevelopment of the balance of the site has been received. As such, there is no objection to the principle of residential development on this site (subject to the sites comprehensive redevelopment being linked via a Section 106 Agreement to the neighbouring application).
- 10.2 This site comprises an area of 0.26ha and the proposal is for a total of 33 apartments. This together with the dwellings on the neighbouring site result in a density of 70 per ha, which is considered to be an extremely efficient use of the site and buildings.
- 10.3 The Section 106 Contributions towards this proposal and the neighbouring development need to be viewed together, and would total:
Education- £137,674; 20% affordable housing (ie 15 units) and off site POS contribution of £29,750.00, in addition to the provision and subsequent maintenance of the communal garden.
- 10.4. It can be seen from the above consultations that in normal circumstances a residential development of this number would attract significant Section 106 contributions. However, given the site's particular circumstances and history the combined schemes would not be deliverable should those contributions be required. In this case the issue of prime importance is the restoration of the mill and its site to a viable use consistent with its conservation, and policy compliant contributions are incompatible with that.

- 10.5 In summary the viability issues of the site stem from the need to restore the mill site as far as practicable, together with the significant abnormalities on this site given the previous use and fire, factoring in these costs would have a radical impact on the viability of this scheme. A more detailed appraisal is to be provided and as a private paper should Members wish to discuss this in private session.
- 10.6 The regeneration of this site will provide the opportunity to generate funding and interest in consolidating and stabilising the remaining listed fabric of this prominent mill site, following the major fire damage which occurred several years ago.
- 10.7 The brokerage service has worked with the applicant's agent and partner agencies. A major step has been to secure the input of Historic England and Homes England to provide advice on ways to recover the site and historic fabric from its current state, and to regenerate the site sympathetically, and contribute a quality scheme to the neighbourhood.
- 10.8 Securing Listed Building Consent and planning permission would mark a very important step in providing an approved basis on which to create a detailed design brief, engage with investors and partners, and to allow a fully detailed scheme to be worked up, and for funds to be generated to invest in the historic fabric. It will also enable further support to be given to fully assess and cost the specific investment requirements in the clock tower. It will also allow the council and new development investment to work with partner agencies to scope and secure targeted development funding to support the regeneration of the site for new residents and the community around it.
- 10.9 A site of this scale would usually secure a range of planning gain requirements such as affordable housing as required in the interim affordable housing policy. In this case, discussions with Homes England supports the exceptional rationale for enabling the site to come forward as a market led solution to generate income clear of other policy obligations, to be directed to the priority of the recovery of the historic clock tower and adjacent fabric. Continuing to work with Historic England and Homes England can support the scheme with further development brief advice, structured development finance, and partnering with affordable housing organisations where they can also offer opportunities for investment and direct purchase. These approaches would need to be flexible and be offered at the right time to support development phases.
- 10.10 This needs to be structured flexibly in a way that legally enables clear revenue income to cover costs and for surplus to be directed in the early stages to the historic fabric. Consequently it is exceptionally suggested that given the unique historic, place shaping, regeneration and housing outcomes that this proposal is permitted with no affordable housing requirements until the priority heritage investment requirements have been met (to be explained further).

Heritage/Urban Design issues

- 10.11 Chapter 16 of National Planning Policy Framework “Conserving and enhancing the historic environment”, indicates in paragraph 185, that plans should set out a positive strategy for the conservation and enhancement of conservation assets, including those most at risk. This strategy should take into account
- The desirability of sustaining and enhancing the significance of the heritage assets, and putting them to viable uses consistent with their conservation;
 - The wide social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - The desirability of new development making a positive contribution to local character and distinctiveness; and
 - Opportunities to draw on the contribution made by the historic environment to the character of a place
- 10.12 The above provides a context against which to consider the heritage matters against other benefits (economic, environmental and viable reuse). Clearly at present the former Newsome Mills and adjoining curtilage are at great risk, following the fire and the length of time the buildings have been vacant and restoring the mill and bringing the building back into a beneficial use, is of paramount importance. This application is for the erection of an extension to the remains of the mill and refurbishment of the existing lodge to provide 33 no apartments a dwellings and cycle storage.
- 10.13 Paragraph 193-195 of the NPPF indicate the process for considering the impact of a proposed development on the significance of a designated heritage asset. Great weight should be given to the assets conservation, and the more significant the asset the greater the weight should be.
- 10.14 Newsome Mills is a very significant and important heritage asset that has suffered extreme damage. The extent of the damage does not diminish the significance, but the emphasis which would normally be on the loss of an asset is reversed in this case, as the proposal is to restore the building by extending upwards on the remains of the mill.
- 10.15 The applicants have provides additional information for this proposal, indicating the massing and height of the proposed extension, as well as indicative elevations.
- 10.16 The nature and size of the extension is to restore the mill building to its original height, and relationship to the clock tower. This attempt to reproduce the original mill in terms of scale and form is welcome. However this is still an outline application, and subsequent details will need to be submitted for approval relating to the development and the elevations. The indicative elevations show a lighter framed extension, above the first floor height of the remaining stone mill wall this approach enables the remnants of the building to be retained, whilst enabling an extension that delivers a number of flats that produce a viable reuse for the building. The reuse of the lodge for a single dwelling, and the other outbuilding for cycle storage are welcome.
- 10.17 As such it is considered that the proposal, albeit in outline, represents a realistic attempt to restore the mill and its significance to a viable use consistent with its conservation, and which re-establishes a positive contribution to the character of the area, and its local distinctiveness.

Residential Amenity

- 10.18 The mills extended will be 5 no storey in height and contain residential windows in the northern and southern elevations. To the south of the mill on the opposite side of Ruth Street are a group of commercial buildings, and a gable for a small terrace of houses. 2 no storey in height, as such there will be no loss of residential amenity in terms of loss of privacy or over dominance.
- 10.19 Within the development of the neighbouring site the new dwellings in the site are a significant distance away from the ground floor of the mill(which is to be used as an internal car park. and the upper floors are sufficient distance and elevated to the properties to view over the building, rather than into the buildings. As such it is considered that the relationship of the extended mill and proposed new dwellings is acceptable.

Highways Issues

- 10.20 The highways issues on this site need to be considered in line with the neighbouring development on the adjoining land, ie application 2019/91630, for 30 dwellings and 12 apartments. The site is allocated for housing on the Local Plan and there have been previous applications approved for the conversion of the mill and provision of new housing varying between 60-77 units. The current applications total 76 units ie less than previously approved, and only marginally in excess of the sites estimated capacity of 69. As such the level of traffic and generated is not materially different to that already previously agreed a, d accepted within the Local Plan.
- 10.21 The mill conversion/ extension comprises 33 no 1 and 2 bed apartments and one dwellings, and access to the scheme is off an improved Hart Street via the neighbouring scheme . The parking provision for the apartment block is in the ground floor of the mill, with a single ingress /egress via the rear. An area for providing cycle parking is provided with the mill conversion/extension, adjacent to a pedestrian access off Ruth Street that will also serve the communal garden area.
- 10.22 The access off Hart Street also serves the outline application site for 30 dwellings and 12 apartments, and involves an improvement of the footway for the length of the Hart Street elevation to provide a footway, along the line of the existing public right of way. There will be no vehicular link from Hart Street to any neighbouring streets, just a link with the public footpath as it connects to the northern corner of the site.
- 10.23 The access off Hart Street is considered to be acceptable and capable of serving the whole site. Whilst the application s in Outline with all matters reserved an indicative layout has been submitted which provides satisfactory access and egress to the mill conversion/extension, as well as circulation around the outline scheme for 30 dwellings and 12 apartments, for refuse collection, and access tp parking spaces for the individual dwellings. The parking levels are based upon 1space per dwelling and also cycle parking is provided for the mill conversion/extension. This site is Newsome Village Centre and the associated facilities. If approved the applications will, still require the submission of Reserved Matters proposals, where layout will be formally applied for.

- 10.24. The 2 schemes are considered to be interrelated and the access arrangements and level of development requested not considered to strain the existing highway infrastructure. In the event of approval conditions on both applications would be required, including the provision of a Travel Plan.

Climate Change

- 10.25 As with the Highways issues, the Climate change issues relate to both applications, and will be covered accordingly.
- 10.26 Drainage - The site is in Flood Zone 1 ie in an area least likely to flood. The former mill complex had a number of drainage outlets, including to 2 no ponds outside of the site. The location of these outlets and their routes has been obtained, and whilst the applications are both outline with indicative layouts only the route across the site for the 30 dwellings and 12 apartments is not shown as built on. There is little opportunity for the provision of SUDS on this site, so it is likely the surface water treatment will involve on site storage with a regulated outflow. The Yorkshire Water Authority have raised no objections, and recommend conditions.
- 10.27 Given the site's brownfield history, and the fact that there are still large areas of hardstanding across the site, the opportunity to reduce the surface water run off by at least 30 % based upon the 100% plus 30% for climate change calculations.
- 10.28 It is considered that drainage issues on this site can be satisfactorily resolved by the imposition of appropriate conditions.
- 10.29 Bio-diversity and landscaping- Whilst the site is adjacent to a stretch of the Kirklees Habitat network, in itself it is of little if any ecological value, due to its prior use, and the extensive fire damage. However this does not preclude the option or desirability of a new redevelopment of the site providing bio-diversity enhancement. There is the opportunity for the formation of both bat and bird roost opportunities within any new buildings, where appropriate, as well as the provision of a landscape scheme within the development and enhancement of the remaining trees and vegetation within the communal garden proposed adjacent the mill conversion/extension. Landscaping will be a reserved matter for a future submission, and any scheme should provide some internal planting areas within the scheme for 30 dwellings and 12 apartments to soften the areas of road/ surfacing and parking.
- 10.30 Environmental Health Issues- The applicants has provide both Phase 1 and Phase 2 Contaminated land reports, and Environmental Health are satisfied the site can be remediated and made fit to receive the new development, which is a sensitive end user.
- 10.31 With respect to the Improving air quality and reducing emissions, it is recommended that Electric Vehicle Charging points be provided across the site, and that this be the subject of a condition in accordance with the West Yorkshire Low Emissions Strategy

11.0 CONCLUSION

- 11.1 This proposal is one of 3 submissions for the mill conversion/extension, the outline permission for 33 apartments and the accompanying listed building application, aimed at providing a realistic framework from which to deliver a viable end use (housing) for the site and the restored listed building that is consistent with the sites conservation. This scheme reflects the previous character and history of the site through the layout and design whilst recognising the scheme needs to be viable if the heritage asset is to be saved at all.
- 11.2 These proposals are in outline form and further reserved matters submissions will need to be submitted and agreed before any development can commence. Additionally, there will be detailed listed building consent to satisfy. All three of the applications are interlinked and need to be treated as such. The joint aims delivering a viable housing end use for the mill as well as the adjoining site and the restoration of the mill will need to be covered by a phased delivery plan that is to be secured within a Section 106 to ensure restoration work on the mill is delivered as well as the new dwellings.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Standard 4x outline conditions

Res.Matters to be submitted within 3 yrs

Development to commence within 2 years of the last of the res matters

Reserved Matters to include- layout; scale and appearance; access and landscaping.

2. Highways conditions-

- access / visibility safeguard
- provision of updated pavement/ footpath for Hart Street frontage;
- surfacing and provision of car parking and servicing;
- provision of bin collection points;
- construction management plan
- Travel Plan

3. Safeguarding public right of way along hart Street during development.

4. Environmental Health conditions;

- Decontamination and remediation;
- provision of Electric Vehicle Charging points

5. Drainage conditions

- Surface water and foul drainage details;
- Temporary drainage solution for construction period
- Surface water flow reduction (at least 30%)

6. Biodiversity enhancement scheme.

7. Removal of permitted development rights for extensions to any of the dwellings

Background Papers:

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed: