

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING SUB-COMMITTEE

08 MARCH 2018

PLANNING APPLICATION 2016/92298

ITEM 10 – PAGE 17

Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes b1(c), b2 and b8)

Former North Bierley Waste Water Treatment Works, Oakenshaw.

Flood risk issues:

The Lead Local Flood Authority (LLFA) has provided an addendum to their earlier consultation response containing additional conditions and informative notes. This is to ensure flood risk and drainage issues are dealt with appropriately. The suggested conditions require further investigations/strategy which shall form part of the reserved matters application and have been shared with the applicant.

Additional representation received:

The Chair of Oakenshaw Residents' Association has requested the contents of their letter (below) be distributed prior to the committee meeting.

"I am writing to you in my position as Chair of Oakenshaw Residents' Association regarding the above Outline Planning Application.

I don't intend to speak at the Strategic Planning Meeting as the issue of traffic and entry and egress from the site, which would be my primary objection to this plan being approved, has been mooted in numerous ways over the last four years and it should be plain now what the concerns are relating to this topic. I am slightly surprised at the apparent lack of an independent traffic survey but that is my only additional comment to the many letters, emails and so on which have been sent to you.

I remain concerned at the number of references to the historic dumping of blue asbestos on the site so I would ask you to keep this letter on file in case of any future incidents. Perhaps consideration should be given to safeguarding the village in case of uncovering one of these dumps? It would be unthinkable if such an event were to occur on a windy day, imagine a cloud of asbestos blowing through the atmosphere and the danger to motorists on the M606 or the pupils at Woodlands School and the area in general? I am not an engineer but a consideration of a conditional precautionary procedure during the construction phase at least should be discussed before approval?"

Response: The two Road Safety Audit's accompanying the application have been undertaken by an approved and independent company Mayer Brown - Aecom. With regards to the concerns relating to asbestos, the applicant/developer has a duty to manage any identified asbestos on site to protect anyone using or working on the premises, from risks to health through exposure to asbestos as well through removing asbestos, which is dealt with under separate legislation (Control of Asbestos Regulations 2012) from the Planning remit.

PLANNING APPLICATION 2017/94336

ITEM 11 – PAGE 49

Part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas (Listed Building)

Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Relevant planning history:

Since the committee report was published a further prior approval application has been received for change of use of offices to 11 apartments at Green Lane Mill, adjacent to the application site:-

2018/90713 Prior approval for change of use from office (B1) to 11 apartments (C3) – Undetermined

A previous prior approval for change of use to 11 apartments at Green Lane Mill was refused earlier this year (2017/93836), as referenced in the planning history section of the committee report.

Highway matters:

The applicant has submitted an update to the Transport Assessment to address the impacts of retaining Block D and the reduction in the number of residential units from 51 to 49. Traffic generation is expected to reduce slightly with this change on the basis that Unit D will be used as storage in connection with the Carding Shed (Block E) and controlled as such by condition. On this basis the Highways assessment remains unchanged.

Use of Block L (community gym):

The proposed hours of use of the gym are:

- 0700 to 2100 Monday to Friday
- 0800 to 1800 Saturday, Sunday and Bank Holidays

Following consultation with Kirklees Environmental Services officers consider the proposed hours to be acceptable. A condition restricting the gym use to these hours is recommended in the interests of protecting the amenity of nearby residents.

Block L has an established general industrial use (B2). It is also permitted to change from a B2 use to a B1 (business) or B8 (storage and distribution) use without requiring planning permission. This means that the building could potentially be put to an alternative lawful use if the gym element was not implemented.

The highways assessment of the application has been undertaken on the basis of Block L being used as a community gym for residents and workers of the site which should not generate any traffic or particular parking demand in its own right. However if the established B2 use was retained, or alternatively a B1 or B8 use instated as permitted development, it would materially alter the highways assessment of the application. Furthermore, such unrestricted uses could potentially impact upon the residential amenity of some of the proposed new houses surrounding Block L. As such officers consider that it is necessary for the S106 to covenant not to use the building for its established B2 use or any change from B2 as permitted under the Use Classes Order.

Planning obligations:

Sustainable transport

Paragraph 10.78 of the committee report discusses a £10,000 contribution that is considered necessary to deliver Metro Cards for residents/employees at the site. The report suggests that “members may wish to consider whether this sum is used for alternative transport improvements within the general locality of the site that are connected with the development. For example, improvements at the main junction in New Mill where there is an upgrade scheme in place may be more beneficial to users of the site”.

Following legal advice officers do not consider that the money could be used towards junction improvements at New Mill because it would not meet the tests for planning obligations i.e. necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

The applicant has confirmed their agreement to contribute £10,000 towards Metro Cards or, if members prefer, towards upgrading of the public footpaths within the vicinity of the site. Either option would promote sustainable transport. Alternatively the applicant has indicated a willingness for the money to be used towards a matrix warning sign on Dunford Road or towards some pedestrian or other highway works in the immediate vicinity of Washpit Mills – which would be to the benefit of Washpit Mills and the existing surrounding residents.

Education

Education Services have provided an updated calculation based on the 49 dwellings and taking into account the latest census information. The revised figure is £51,417.

Public Health:

The applicant has submitted a Rapid Health Impact Assessment (RHIA) to support the application and this has been reviewed by the Council's Public Health team.

The RHIA addresses the main public health themes. A number of measures promoted by Public Health are to be secured by way of conditions. These include an updated travel plan, electric vehicle charging for both the commercial and residential elements of the scheme and crime prevention and security measures to be incorporated into the development.

Public Health welcome the inclusion of the community gym. The provision of a community garden is positive and has the potential for promoting small scale community projects that enable local residents to grow their own food.

The application does not include details of any proposed renewable energy sources for the dwellings or commercial uses although these could be secured by condition.

Any potential improvements to the local PROW network may encourage walking by residents and workers which in turn would benefit health.

Representations:

6 additional representations have been received. The comments are in response to the amended plans which retain one of the mill buildings (Block D) for use as storage by the Carding Shed business. A number of the representations also reiterate concerns that have already been raised. A summary of the representations and an officer response is provided below:

- Future use of Block D is unclear

Officer response: The proposed use is storage connected with Block E (the Carding Shed). A condition has been recommended restricting the use of the building to this use. This is in order to prevent any undue highway impacts including vehicle movements and demand for parking and to protect the amenity of adjacent residential development.

- Pleased Block D is being retained but query the sudden need for this area of storage by the Carding Shed.

Officer response: The building is being retained to address heritage concerns with the loss of this particular building. The building is connected to Block E with internal access between the two buildings and therefore lends itself for use by the Carding Shed. Providing additional storage space for the Carding Shed business had previously been suggested by the applicant during pre-application discussions.

- No provision for amenity or parking spaces to service Block D.

Officer response: Amenity space or additional parking spaces for Block D are not considered necessary on the basis that the building is to be used as storage in connection with Block E.

- Any use within Block D will generate traffic and greater demand for parking than the 2 dwellings it replaces.

Officer response: Officers do not consider that this would be the case subject to a condition restricting the use of Block D to a storage use connected to Block E.

- Building is being retained in order to justify the height of the new build dwellings; Block D is significantly higher than all other buildings on site and its removal meant that the listed building (Block L) would have sat closer to its original form and position on site.

Officer response: The four storey mill building is being retained to address heritage concerns. Its retention helps to keep more of the original character of the site including the setting of the listed building.

- The gym within Block L is not a viable long term use. Naive to think that the residents of 49 houses could sustain it. Gym would only use a quarter of the building's capacity. The developer may attempt to convert this building to other uses in the future such as apartments. Measures should be put in place to prevent such a change or to allow for this in terms of future parking provision and increased traffic so that such matters can be considered now.

Officer response: As set out in the main report the proposed use as a private gym for residents and workers of the site is considered to be acceptable. The S106 is to covenant that the building will not be put to its established lawful use as discussed above. Any use other than the community gym would require an application for planning permission.

- Inconsistencies within the plans in terms of the size and location of the café within Block E.

Officer response: The location and size of the café are clearly shown on the floor plan for block E.

- Proposed footpath works to Washpit New Road do not connect to the site. No changes or improvements proposed to the most dangerous part at the junction of Rich Gate and Green Lane.

Officer response: The footpath is proposed to be formed between Dunford Road and the junction of Washpit New Road/Rich Gate which is approximately 120m walk from the eastern site entrance. As set out in the main report the proposals are considered to be acceptable. Junction improvements to Rich Gate/Green Lane are not part of the application and are not considered necessary.

- Height of Block A is 3m greater than the tallest mill building on the site (Block D). This additional height combined with the additional footprint within the western part of the site would harm the visual amenity of the Green Belt.

Officer response: There is variation within the ridge height of Block A as part of the design; some of the dwellings are slightly higher than Block D and

some are slightly lower. The ridge height of the tallest dwellings within Block A is approximately 1m above the ridge height of Block D. The chimneys add additional height but the visual impact of this is negligible. The height and footprint of Block A are the same as the previous application and the impact on the Green Belt remains acceptable.

- Inconsistencies in the height of Block A.

Officer response: The amended plans addressed an anomaly with the originally submitted plans and officers are satisfied that this issue has been rectified.

- Believe that there are to be strong overhead lights at night which would affect wildlife. Light pollution concerns have not been addressed within the committee report.

Officer response: Details of external lighting for the site can be secured by condition in order to mitigate the impact of light spill on biodiversity.

- Works have already started to Block E including the installation of new windows.

Officer response: The works are at the applicant's/tenant's own risk. Officers are aware that some new windows have recently been installed which do not form part of the proposed alterations. The applicant has advised that the tenant who has carried out the works intends to submit a separate application for these windows.

A number of the representations also reiterate concerns with the impact of additional traffic on the local road network and concerns with the visual impact of the development (out of character). It is also suggested that the scheme amounts to overdevelopment and does not address the Appeal Inspector's decision. These matters have been addressed within the main report.

Additional recommended conditions:

1. Restriction on hours of the gym to those specified within this Update.
2. Details of external lighting of the site designed to mitigate the impact on biodiversity
3. Updated Travel Plan that reflects the development proposed (as per paragraph 10.36 of the main report)
4. Details of crime prevention and security measures to be incorporated into the development (as per Police Architectural Liaison Officer comments).
5. Details of renewable energy measures to be incorporated into the development.

Revised recommendation:

RECOMMENDATION:

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

1. £51,417 towards Education requirements arising from the development.
2. Contribution towards Metro Cards (£10,000).
3. Detailed scheme for the provision of the POS and future maintenance and management responsibilities of the POS and other open space areas within the site.
4. Future maintenance and management arrangements for the culverted watercourse and other surface water drainage infrastructure within the site and the mill pond.
5. Covenant not to use Block L for its established B2 use or any change from B2 as permitted under the Use Classes Order.

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

PLANNING APPLICATION 2017/94337

ITEM 12 – PAGE 73

Listed building consent for conversion of listed building to form private gymnasium and demolition of curtilage buildings

Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Representations:

6 additional representations have been received. The comments principally relate to planning application 2017/94336 for the redevelopment of the Washpit Mills site. The representations do not raise any matters that materially alter the assessment of this Listed Building Consent application.

Hybrid application - Planning application for demolition of existing buildings and erection of 2no workshop and ancillary office buildings (B1c/B8 use class) comprising a floor area of 880m² including mezzanine space, parking, access details and ancillary works. Outline planning application for the erection of up to 75no dwellings (Amended Description)

Dobroyd Mills, Hepworth Road, New Mill, Holmfirth.

As detailed in the officer report, the application has been amended whilst being processed. Amended plans were advertised by neighbour letter and site notice. The consultation period ended on 7th March 2018. As a result of the consultation exercise, the following comments have been received in addition to those detailed in the officer report:

Consultees

Highways

The applicants have provided technical note number 5 which provides details of bin collection and storage points and motor cycle parking and cycle storage and details of how the revised traffic generation figures are calculated. Swept paths are also provided which demonstrate that a 7.5 tonne vehicle can turn within the service areas to the frontage of the proposed employment units.

Traffic generation figure are revised to reflect the amended proposals. The revised figures show that the anticipated traffic generation is reduced when compared to the previous proposal which included 75 houses, 27 apartments and 650 sq. m of B1a office use.

The amended proposal omits the 17 apartments and 650 sq. m of B1a office use and provides a mix of B1 (a) office use and B1C light industrial use.

The revised traffic generation figures are 80 and 77 two way vehicle movements in the AM and PM peak hours. The previous proposal was anticipated to generate 89 and 88 two way vehicle movements in the AM and PM peak hours.

The applicants have agreed that the level of contribution towards highway improvement works at New Mill based on the traffic figures in Technical Note 3 will not be amended to reflect the reduced traffic generated by the latest proposals.

These proposals are considered acceptable from a highways point of view and highways have no wish to resist the granting of planning permission. West Yorkshire Combined Authority has requested the following S106 public transport contributions:

- a) £10,000 for a 'live' bus information display
- b) £45,676.95 for RMC's (Residential Metro Cards)

A contribution of £33880 is required to the New Mill junction improvement scheme.

Environmental Health

Overall I have no objection this development being granted planning permission subject to conditions regarding Land Contamination, Air quality, hours of use/delivery of the B1c/B8 units and Construction/Demolition site hours, due to adjacent residential property on Hepworth Road.

Public Rights of Way

Hol/207 public footpath is identified in submissions as an access and a route for cyclists, but no mitigation measures are evident and the access off Butt Lane is not even in the red line boundary of the application site (nor within the identified blue line boundary). As such, the proposal in its current form for its use for either purpose is objected to by PROW; any p.p. condition or submission which purported control over this land may well not be enforceable.

If this Butt Lane access is not appropriately identified as being available, this may have an effect on the Hepworth Road access identified in submissions. The omission of the Butt lane access may merit a planning application re-submission with correctly identified access, as it may be that not all land required for implementation of any permission is identified and no mitigation or consideration of the PROW is demonstrated. It is not clear from submissions that the applicant can take construction access nor provide cycle access in the long-term over this route, without even getting on to the topic of it carrying a public footpath.

Officer response – Public footpath Hol/207 falls directly to the east of the red-line boundary and continues into the site. This part of the site has been applied for in outline form. Full details of the impact on the footpath would be considered as part of any subsequent reserved matters. However, as depicted by the indicative masterplan drawing, it is clearly the intention to ensure that the existing footpaths are fully incorporated into the scheme. The part of the public footpath which falls outside the red-line boundary is indicated as a pedestrian link on the indicative masterplan. Vehicular access to the site is not proposed via public footpath Hol/207.

Improvement of the local PROW network infrastructure would be expected, as it appears reasonable and appropriate in face of the proposed development. This may relate to width, surface, drainage, lighting etc.

There is insufficient detail regarding the PROW network and any future reserved matters consideration of the residential part of the application.

The so-called 'hybrid' nature of the application is unclear. Phase 2 is identified as provision of road infrastructure, but no such roads appear to be identified and detailed in submissions. Submitted site layout Masterplans now appear online listed as having been superseded – no equivalent replacements are evident.

It is recognised that some concerns raised may be subject to reserved matters consideration. When looking to consideration of the principle of residential development, the application states 'up to 75 no. dwellings'; as the layout and access arrangements are far from clear at this stage and are not being agreed in this application, there may be barriers to achieving this number of dwellings.

Officer response – This would be for consideration at reserved matters stage. 'Phase 2' is part of the outline and no significant details have been submitted regarding the access road within the outline proposal at this stage. Nor would any significant details be expected given that phase 2 is within the outline application site area.

Drainage

There are no objections from the LLFA on the outline element of the application as this falls in the lowest flood risk zone.

In terms of the full application element, officers are awaiting a response from the Environment Agency to the revised plans. Main river issues will be included in the response from the Environment Agency. Officers request members delegate authority to officers concerning main river drainage pending the response from the Environment Agency.

LLFA have raised comments relating to lack of understanding of exact location and specification of culverts under existing buildings and the site. Although recognised existing buildings may be over culverts, would seek to open up culverts where possible. The proposed industrial units are likely to be located on or adjacent to culverts and if it is possible to slightly re-site these buildings that should be explored. Officers request members delegate the fine details of the siting of the proposed units pending further survey work to ascertain the precise location and condition of culverts. Planning conditions related to survey and maintenance of existing watercourses within the site will be attached as conditions”

Officer clarification over the sequential approach to flood risk - In respect of the sequential approach as advocated by the NPPF; the lower part of the site is constrained and the proposed access road effectively splits the site in two. The proposed location of the units is intended to provide suitable circulation and servicing space for each of the proposed units in relation to the proposed access. Furthermore, the proposed development involves the replacement of significantly greater floor space with less floor space which would increase the amount of non-developed space within the site. The proposed unit fronting Hepworth Road is intended to provide an attractive frontage that accords with the existing character of the settlement rather than allowing open views of car parking adjacent to the site frontage which is inappropriate. Given the site constraints and the design requirements for a quality environment the sequential test on flooding matters is considered to be passed.

Comments from other interested parties:

- Introducing 75 houses 27 flats, various offices plus supporting/delivery services will place a huge burden on the local infrastructure and roads. The mill site will benefit from redeveloping, but then placing an additional 75 houses on the green site is excessive for this community and its infrastructure. Roads/access You are looking at introducing approx 225 extra vehicles to the site (75 houses x 2 cars, 27 flats x 1.5 cars plus 35 parking spaces for offices etc). Currently there are approx 10 regular vehicles of employees. How can that be beneficial to the local infrastructure? The high number of extra residents and offices/commercial enterprises will generate substantial two way traffic especially at current peak times. The roads are very narrow, very poorly maintained, have limited very poor footpaths. On the access roads vehicles cannot currently be two way in most parts. Pedestrians have to pull into gaps between parked cars or house gateways. Half the time Bank Street is a full one way street between Sheffield Road and Junction Scholes Road and East Street, which already provides substantial confrontation. This is especially so at the bottle neck when cars are turning right from Sheffield Road and cars trying to exit Bank Street. Whist consultants say there is a pedestrian provision along Bank Street this is not a practical option. Vehicles come over to the white lines to avoid the cars parked on the west side, pedestrians feel safer pulling into spaces between cars to avoid traffic. This is already a scary experience constantly looking over the shoulder

to make sure safety can be reached before the next vehicle comes along. Cars coming up have to also pull into any gaps to avoid confrontation with down traffic. There is no safe walk way from the proposed site entrance going south towards the school and Butt Lane. Pedestrians have to dodge buses, commercial vehicles and cars.

What is the response about the suitability and capacity of the drainage (not just the surface water). There will be substantial impact on the currently limited pipeline, which is suspended above the river.

Officer response – both comments above are addressed in the main body of the report.

- I wish to object to the approval of this outline application due to: Intensity of housing - especially phase 6 as per the proposed site layout ID642090, the housing in this phase will have a negative impact on the setting of the historic church - obscuring sight-lines. The number of dwellings on left hand approach to the Church on the site should be reduced. Traffic and highways impact on infrastructure in Jackson Bridge and access to A616. The internal access road on the site to the rear of Hepworth Crescent should be moved to provide vehicular access to the rear of the properties on the Crescent and also provide these residents with additional parking to reduce the demand on the Crescent itself. Phasing of the development should be done so that construction traffic does not have to use Butt Lane and the access to the site, reducing inconvenience to the residents of the Crescent and Kemps Way whose properties adjoin the access road Please also take into account my more detailed letter that was submitted on 21 March 2017.

Officer response – A construction management is proposed via planning condition. The impact on the setting of designated assets is set out in the main body of the report.

- *Loss of Privacy and Overlooking*

The proposed site of development in the fields adjacent to Kemps way and the Crescent is at such a distance and density that the primary amenities of gardens would be severely overlooked from rooms in houses of the new development, resulting in a serious invasion of our privacy. Houses in Kemps way, notably numbers 16 and 18 have limited rear garden space circa 3.70 metres width and as such would be seriously impacted by houses erected at their rear. (Ref Concept Masterplan)

Officer response – The potential impact on residential amenity is set out in the main body of the report.

Loss of Light and Overshadowing

The higher elevation of the field, with its west to east slope in relation to the properties of Kemps way will cause additional shading to that which currently exists as a result of the natural lay of the land. Overshadowing would be most notable in the afternoon as the sun moves westerly and its angle declines towards sunset. Further the close proximity of the proposed housing and any construction of boundary fencing will curtail much of the limited natural light available to established properties, necessitating the additional use of artificial lighting. Reference once more to the

current space to the rear of 16 and 18 Kemps way properties. Properties bordering the proposed development have enjoyed uninterrupted light for 40 years or more and have a right to not suffer a curtailment of natural daylight.

Officer response – The impact on residential amenity is set out in the main body of the report.

Highway Safety and Traffic Generation

Review of the Transport Assessment within the planning application indicates that the main route for ingress and egress to the site would be via Bank Street and to a lesser extent East Street in Jackson Bridge. Data provided suggests that these roads could cope in the busy periods of early mornings and evenings. Statements of 220-244 vehicles per hour under present circumstances with projected increases to 250-293 with 50% complex use and 316-347 vehicles per hour with full use of the development. (5.6.2 Traffic Impact within Transport Assessment) The current construction of a further 39 residencies in Scholes will increase the demand on Bank Street and its awkward junction with the A616.

What is not made clear is the fact that Bank Street is reduced to a single carriageway over much of its length during these busy periods as a result of on street parking on both sides of the road by the residents of Bank Street. Parked cars near to the junction with the A616 are a particular menace. Currently vehicles have to remain stationary at the bottom or top of the road, or weave into convenient spaces part way up to allow safe passage of vehicles. This manoeuvring becomes complex if heavy goods vehicles or large vans are involved in passage. Queuing traffic occurs across the crossroads between East Street-Scholes Road-Hepworth road at the bottom and at the uppermost junction between Bank Street and the A616. Automated measurements taken over limited periods of time would not illuminate this issue. Use of East Street as a route for egress is made difficult by the blind bend on the left and the impeded vision to the right at the junction with the A616.

The congestion referred to above makes it dangerous for pedestrians walking along Bank Street, where there are no pavements and makes it difficult for residents of Bank Street to pass to and from their homes to their parked vehicles. Few parents using pushchairs risk the perils of close moving vehicles, preferring to use a safer route via East Street.

Officer response – The impact on the highway network is covered in the main body of the report which also assesses the issues raised. In respect of the impact on Bank Street, these are noted but the proposed development would not result in severe highways impacts in this respect.

- Residential Amenity

The potential construction of an additional 75 properties in addition to the 18 apartments within the retained mill complex will have a marked effect on the current amenity enjoyed by residents of Hepworth. The size of the proposed development in relation to the area of the available space will create a high density development which would be out of proportion with a relatively small, quiet and peaceful village. The attendant noise created by such a development would have a significant impact on noise and disturbance levels currently enjoyed by residents.

Officer response – Issues are covered in the main body of the officer report. However, the application no longer proposes any apartment units within the retained mill complex as the existing mill building would be demolished.

- The proposed development if delivered in its entirety would create a continuous ribbon of development between the villages of Jackson Bridge and Hepworth. At present the fields adjoining the mill complex form a limiting perimeter to the village of Hepworth and allow for West to East wildlife connectivity between Dean Bridge and the hillside of Carr wood overlooking Rakes Dyke. Roe deer often exploit this route.

With respect to the Brooks Ecological survey –Amphibians sections 55 and 56, there are newts, frogs and toads inhabiting the wet area of grassland at the southwestern point of the grassland adjacent to upper part of Kempsway (near to the church) Frogs and newts exploit the ponds of Kempsway residences for breeding purposes. A further cause for concern would be the non-specified number of established trees which would need to be removed or damaged in any redevelopment. Although replacement with hardwood species is recommended, the tree canopy would take many years to regenerate and reproduce the current visual amenity.

Officer response – Ecological issues are covered in the main body of this report. There are no objections from the biodiversity officer but this is subject to conditions regarding ecological enhancement and management.

From a desktop study of the site plans it appears that current well used footpaths around and through the site would be redirected or subsumed by the paved areas of an estate of houses. Residents of Hepworth and ramblers would find this detrimental to their current enjoyment of walking through an upland country village environment.

Officer response - Full details of the impact on the footpath would be considered as part of any subsequent reserved matters. However, as depicted by the indicative masterplan drawing, it is clearly the intention to ensure that the existing footpaths are fully incorporated into the scheme. The part of the public footpath which falls outside the red-line boundary is indicated as a pedestrian link on the indicative masterplan. Vehicular access to the site is not proposed via public footpath Hol/207.

The two fields proposed for development designated SL2192 are currently allocated as Provisional Open Land in the Kirklees Unitary Development Plan and not scheduled for development until 2031. I understand that Government direction for Local Authorities to provide 5 years supply of deliverable housing supply has led to a lifting of refusal to allow development on such land. As such SL2192 is now incorporated into mixed use allocation MX1912a in the Draft Local Plan. As I understand this draft has yet to be submitted by Kirklees council and then receive independent examination in summer/autumn 2017 with anticipated adoption of the Local Plan in early 2018. As no Planning Inspector has been appointed to provide comment on the Local Plan I suggest that approval for development of this land is premature.

Officer response - It is not considered that the amount of housing proposed as part of this application would demonstrate significance so as to undermine the plan making process as set out in the National Planning Practice Guidance. Therefore, whilst the site has not yet been adopted for a mixed use; the proposed development in any event is considered to comply with policies in the current development plan – the UDP.

I have lived in Hepworth for 30 years during this time I have walked my children to school and have taken daily walks with my dogs this has often highlighted to me how dangerous several stretches of road where there is no pavement can be, the bridge at the bottom where the footpath through the woods start is also not ideal for walking. Additional houses bringing around 100 more cars to a area which cannot sustain it is extremely worrying with regard to peoples safety. Small green spaces a public footpath trees and a village church all add to the wellbeing of residents and visitors to the area and should not be over developed. and have extremely worrying concerns regarding any additional volume of traffic Butt Lane.

Officer response – Set out in the main body of the report.

We have examined the plans and we know the area well. We strongly object to Phases 2, 3, 4, 5, 6 of the proposed redevelopment of Dobroyd Mills, on the following grounds: 1. Road Infrastructure – Proposed additional dwellings will increase the traffic through Jackson Bridge. We object because of the inadequacy of Bank Street and Hepworth Road in Jackson Bridge to accommodate even small increases in traffic, where road widening is not an option. Bank St has vehicles parked both sides reducing the access to a single vehicle, evenings, overnight and throughout weekends. One vehicle has been a subject of damage at one of the narrowest points. Access for emergency vehicles could be compromised. Just developing phase 1 would mitigate this issue. 2. Village infrastructure. Proposed additional dwellings would also impact village resources such as nursery, school etc. 3. Health - There is planned a significant amount of demolition. We need guarantees that any deleterious substances will be dealt with, with the utmost care, so as not to impact the health of the neighbouring population now and in the future, including wildlife. 4. Proximity to Development. We want to register the fact that our rear building line is a mere 3m from the boundary of Phase 6 of this proposed development. Consequently, we are extremely concerned regarding what may be built or planted immediately adjacent to our boundary, overshadowing our property.

Officer response – Set out in the main body of the report. In terms of demolition, conditions are proposed requiring the submission of a demolition plan which includes details of mitigation.

Other Issues:

Affordable Housing – As detailed in the officer report, the proposed development floorspace is significantly lower than the vacant floorspace. Unless the floorspace proposed exceeds 12,104m² (which is the vacant floorspace) as part of the reserved matters, no affordable housing would be required. This calculation could be secured by S106 agreement.

Education – Total of £271,237 comprising £138,262 to Hepworth Junior and Infant School and £132,975 to Holmfirth High School.

Metrocards – A revised sum of approximately £33,750 would be required due to a reduction in the number of residential units.

Public Open Space – A condition is recommended in order that this be secured as part of any subsequent reserved matters.

Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to ensure that the Environment Agency and LLFA are satisfied with the proposal, to complete the list of conditions including those contained within this update and to secure a S106 agreement to cover the following matters:

Education - £271,237 comprising £138,262 to Hepworth Junior and Infant School and £132,975 to Holmfirth High School

Affordable Housing – to be finally calculated having regard to vacant building credit and depending on the quantum of development proposed by the reserved matters.

New Mill Junction Improvements - A contribution of £33, 880 towards New Mill Junction Improvements.

Transport - £10,000 for a 'live' bus information display – approx. £33,750 for RMC's (Residential Metro Cards)

Additional Conditions

Outline

Public Open Space details to be submitted at Reserved Matters

PLANNING APPLICATION 2018/90074

ITEM 14 – PAGE 111

Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping

Land off, Lindley Moor Road, Huddersfield.

Highway comments.

Additional information has been received confirming internal turning arrangements for transporters, and access arrangements off Lindley Moor Road. These are considered to be acceptable.

Recommend conditions including the provision and implementation of the submitted Travel Plan. Also a contribution of £15,000 (ie £3,000 per annum for 5 years) towards Travel Plan Monitoring is required. This would be secured via Section 106 Agreement.

Amended Recommendation.

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and outlined below, and to secure a Section 106 Agreement to cover the following matter

- **The provision of £15,000 Travel Plan Monitoring fee (£3,000 per annum for 5 years).**

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

Additional conditions:

Construction Management Plan

Development shall not commence until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of:

- Vehicle access to and from the construction site;
- Proposed routes of access and egress for construction vehicles between main radial routes and the site,
- details of controls to restrict vehicles to approved routes of access and egress;
- measures to keep the public highway free of mud and debris; and
- on-site parking layout to accommodate the peak demand for construction worker parking.

The approved plan shall then be complied with throughout the period of construction work.

Completion of highway works

Development shall not commence until a scheme detailing the following highways works, including the relevant Stage 1, 2 or/and 3 Road Safety Audits (ref: CIHT guidelines on Road Safety Audit (2008)) has been submitted to and approved in writing by the Local Planning Authority:

- Formation of a priority site access junction with Lindley Moor Road in accordance with the principles set out in 2014/91316 and application drawing M1112 – A -111 ref F dated September 2017;

The development shall not commence until schemes for the above have been approved and shall not be occupied until all the works are complete in accordance with the approved scheme.

Travel Plan

No part of the development shall be brought into use until the Travel Plan Coordinator for Unit 2 Plot A has been appointed to implement the Travel Plan in accordance with the Travel Plan dated 15th December 2017 as submitted with the application.

Surfacing/markings out of areas.

The development shall not be brought into use until all areas indicated to be used for access, parking and turning on the submitted plans have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development.

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Erection of 3 No. retail units and associated works (within a Conservation Area)

Land at Junction of, Cemetery Road and Mayman Lane, Batley.

Supplementary Note regarding Sequential Test

As set out in paragraph 3.2 of the committee report, the proposal is for the erection of 3 retail units totalling a gross floor area of 3,948 sq m with the garden centre area of 697 sq m. (Unit 1 is to be 2,323 sq m plus garden centre, unit 2 is to be 929 sq m and unit 3 is to be 697 sq m). The site area is 1.19ha.

For the sequential test, available sites within and on the edge of Batley Town Centre that could accommodate the proposal taking account of flexibility in format and scale should be considered. The applicant has identified one edge of centre site at Victoria Works, 444 – 446 Bradford Road which has a total site area of 0.38 ha. The site cannot accommodate the development proposed taking into account flexibility on format and scale.

Batley Mill on the edge of Batley Town Centre has been put forward in an objection to the planning application as an available, sequentially preferable site. It is stated that 'there are two sequentially superior edge of centre sites at Batley Mill and Victoria Works that are suitable for disaggregated elements of the proposal in flexible formats.'

There is no NPPF policy requirement to consider whether constituent elements of an application proposal could be accommodated on separate sites as clarified by the Secretary of State in granting planning permission for retail development at Rushden Lakes. This position has been maintained by both the Secretary of State and the Planning Inspectorate.

It is considered that the sequential test has been carried out in a robust manner in accordance with paragraph 24 of the NPPF and there are no sequentially preferable sites that could accommodate the proposal.

Suggested condition restricting the sales areas and ranges of goods

The net retail sales area of unit 1 hereby permitted shall not exceed 1,858 sq m. The net sales area is defined as the sales area within the building (i.e. all internal areas accessible to the consumer) but excluding lobbies, restaurants/cafes, customer toilets and walkways behind the checkouts. Within the net sales area hereby permitted, no more than 372 sq m shall be used for the sale of convenience goods. The garden centre area shall not exceed 697 sq m. The net retail sales area of units 2 and 3 shall not exceed 743 sq m and 558 sq m respectively.

Change of use from stone yard to tree/log storage yard

The Old Stone Yard, Near Bank, Shelley, Huddersfield.

Additional Information: Log Store Details

Elevational details of the proposed log store have been received. The log store would have dimensions of 5 x 17.5 metres and a maximum height of 4 metres and would occupy approximately one third of the width of the proposed concrete base. The structure incorporates a simple frame and roof, with open sides on the eastern and western elevations and timber boarding to the shorter northern and southern elevations. The structure would be functional for its intended use and it is considered it would not have a detrimental impact on the openness of the Green Belt due to its open design and limited height.

Ecological and Landscaping Matters

The Council's ecologist has no objection to the proposed change of use. However they have raised concern that any artificial lighting could have a significant impact on the function of the adjacent Kirklees Wildlife Habitat Network. Accordingly a condition is suggested that no such lighting be installed.

Additional condition:

7. No external lighting shall be installed to serve the proposed development

Condition 5 requires the existing screen hedges/trees to be retained and to be supplemented with additional planting. The site has existing tree planting along the northern boundary and the applicant has confirmed this is to remain. It is considered this comprises a sufficient screen to adequately screen the development, unless Members wish to see a scheme for any additional supplementary planting.

Revised wording of condition 5:

5. Tree/hedges to be retained.

Public Right of Way Matters

The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.

Footpath KIR 147-10 passes through the site and the proposed palisade fencing would cut across its existing route. The applicant has indicated an application to divert the PROW has been lodged (the proposed route is shown on the block plan) however the development may not be deliverable until the PROW diversion has been completed. To address this Highway Services suggest a condition that no development shall commence until a scheme for the diversion of the footpath has been approved, and that the diversion is delivered. However, as the diversion of a PROW is achieved through separate legal process its implementation cannot be conditioned. What can be conditioned are the details of a scheme for diversion, and that the existing footpath is not obstructed before such time as the diversion takes place.

Revised wording of condition 3

3. A scheme for the diversion of footpath KIR 147-10 and that the existing footpath is not obstructed before such time as the diversion takes place.

It is also necessary to amend the wording of the footnote to reflect the situation on the ground that the PROW is currently obstructed.

NOTE: Public footpath number KIR 147-10, which crosses/abuts the site appears to be obstructed. Please contact Kirklees Council Public Rights of Way Team.

Public footpath number KIR 147-10 shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority and the granting of planning permission does not in itself constitute authority for the interference with the right of way or for its closure or diversion. In the event of planning consent being granted, the applicant will still be required to enter in to a separate legal process, with separate costs, in order to divert or close the public footpath.