Originator: Bill Topping

Tel: 01484 221000

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 28-Sep-2017

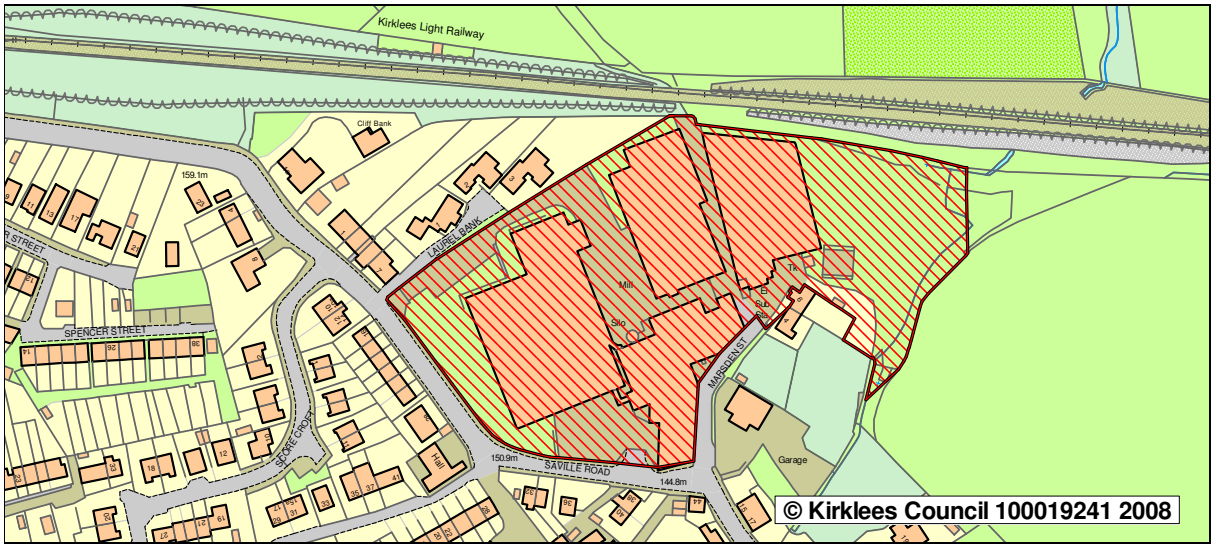
Subject: Planning Application 2017/91046 Outline application for demolition of existing buildings and structures and erection of residential development Greenside Mill, Savile Road, Skelmanthorpe, Huddersfield, HD8 9EE

APPLICANT
Paramount Retail Group
Holdings Ltd, c/o agent

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
24-Mar-2017	23-Jun-2017	

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: Denby Dale

Yes	Ward Members consulted (referred to in report)

RECOMMENDATION:

DELEGATE TO OFFICERS TO REFUSE FOR FOLLOWING REASONS.

1. The proposal fails to make any provision for Public Open Space, contrary to Policy H18 of the Kirklees Unitary Plan.

2. The proposal fails to make any provision towards Education Improvements, contrary to the Councils policy "Providing for Education Needs generated by New Developments".

1.0 INTRODUCTION:

1.1 This site is brought to the Heavy Woollen Planning Sub-Committee as the application is for a residential development on a site is in excess of 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.

1.2 The application was deferred from the 17 August 2017 Heavy Woollen Planning Sub-Committee at the request of the applicant who submitted additional viability information which needed additional independent assessment.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises an area of 1.8 ha, currently occupied by a mill complex (former Greenside Mills). The site has frontages onto Saville Road and Marsden Street, and backs onto Laurel Bank, in Skelmanthorpe. To the north of the site runs the Kirklees Light Railway, and there is a public footpath that crosses the site from Marsden Street, to a crossing point with the Light Railway.

2.2. The site for the majority of its area is covered in buildings and hard standing areas. However to the east adjacent to the Kirklees Light Railway, and neighbouring Green Belt is an area containing some trees and vegetation. There are also some water features, principally a former dying pit and brick channels surrounding it, linking back to the industrial complex.

2.3. The site is within a mixed use area, with dwellings facing and backing onto the site on Saville Road, Marsden Street, and Laurel Bank. Also near the site is a garage business on Marsden Road and a factory with access on the opposite side of Saville Road.

2.4. The site is unallocated on the Unitary Development Plan proposals map.

3.0 PROPOSAL:

3.1 Outline permission is sought for the demolition of the existing buildings and the use of the site with all matters reserved.

3.2 The application is accompanied by an illustrative layout, indicating a total of 55 dwellings (detached and semi-detached), with the principle access being taken off Savile Road.

4.0 RELEVANT PLANNING HISTORY:

4.1 None relevant

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicants have submitted a viability appraisal with the application. This includes details of the existing floor areas, to consider if Vacant Building Credit (VBC) is applicable.

5.2 This appraisal has been independently assessed at the expense of the applicant, and this confirms that full VBC would be available for a scheme of 55 as contained on the "indicative " layout. Other required contributions towards Public Open Space and Education would be deliverable.

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 weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

<u>Kirklees Unitary Development Plan (UDP) Saved Policies 2007:</u>

6.2 D2 – Unallocated land
B4 – Change of use of land and buildings last used for business or industry
BE1 – Design principles
BE2 – Quality of design
BE23 – Crime prevention
T10 – Highway safety
T16 - Footpaths within sites

T19 – Parking standards
G6 – Land contamination
NE9 – Retention of mature trees
H10 – Affordable housing
H18 – Provision of open space

Supplementary Planning Guidance / Documents:

6.3 SPD2 Affordable Housing;
Kirklees Council Interim policy on affordable housing
Councils Education Contributions policy
West Yorkshire Low Emissions Strategy

National Planning Guidance:

6.4 Chapter 1 - Building a strong, competitive economy
Chapter 4 -Promoting sustainable development
Chapter 6 -Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 8 - Promoting healthy communities
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11 - Conserving and enhancing the natural environment

6.5 Draft Local Plan

PLP1 - Presumption in favour of sustainable development
PLP3 - Location of new development
PLP7 - Efficient use of land and buildings
PLP8 - Safeguarding employment premises
PLP11 - Housing mix and economy
PLP 20 - Sustainable travel
PLP21 - Highway safety and access
PLP22 - Parking
PLP24 - Design
PLP28 - Drainage
PLP30 - Biodiversity and Geodiversity
PLP32 - Landscape
PLP33 - Trees
PLP35 - Historic Environment
PLP49 - Education and Healthcare needs
PLP53 - Contaminated and unstable land

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was publicised by site notices and neighbour letters.

10 representation shave been received, the main points of concern being.

- The proposal will result in existing residents being unable to park outside their own homes;
- The road network around this site is congested and narrow, any access to housing here must be safe;

- The Traffic Survey submitted is not sufficient, and has not covered appropriate times;
- Extra dwellings will put pressure on already oversubscribed schools and doctors services;
- If permission is allowed then the density should be reduced;
- If residential is allowed, then conversion of the buildings would be preferable, and safeguard an element of Skelmanthorpe's heritage;
- There are 2 very specific comments about siting's and positions of accesses.

7.2 A significant number of the letters do not object to residential in principle and support the development of brownfield sites instead of greenfield.

7.3 Denby Dale Parish Council - No objections, however there are concerns regarding the amount of traffic on Savile Road an access to the site

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

K.C Highways Development Management - No objections to the proposal, recommend conditions if planning permission is granted.

The Environment Agency - No objections

The Coal Authority - No objection subject to imposition of condition

K.C Strategic Drainage - Request further information from the Flood Risk Assessment. No objection in principle, any drawings to be marked "indicative" only.

Forestry Commission - Raise no objection.

8.2 **Non-statutory:**

K.C Arboricultural officer - No objections - request conditions and provision of new planting as part of any Reserved Matters application.

K.C Conservation and Design - No objections to the principle of development. None of the buildings on site are of heritage value. This is an outline application with layout still to be agreed. There are issues with the indicative layout that would need to be addressed, at Reserved Matters stage.

K.C Business and Economy/ Regeneration - Acknowledge that the site has been vacant for some time and that the applicant has demonstrated that prolonged marketing has be not generated. Given the scale of the proposed development he Business Team could support the application based on the number of direct and indirect employees engaged in the sites design and construction.

K.C Education Services - An Education Contribution would be required in this case. Based on 55 family units it would be £68,260.

Yorkshire Water - Recommend conditions in the event of approval.

K.C Environmental Health - No objection recommend conditions in the event of an approval.

K.C Strategic Housing - There is a demonstrable need for affordable housing in this area. The Councils Interim Affordable Housing Policy is applicable here, and the provision of on-site affordable units should be sought via condition.

K.C Landscape and Parks - A contribution of £100,000 towards equipment would be required in this case.

K.C Ecology - No objections, recommend conditions in the event of approval.

K.C Police Architectural Liaison Officer - No comments adverse to the approval of outline permission. Detailed comments and conditions will be considered in the event of a Reserved Matters application being submitted.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Highways Issues
- Drainage Issues
- Environmental Issues (De-contamination/ Remediation; Noise; Air Quality)
- Biodiversity
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

10.1 The site was last in employment use, and as the guidance contained in part 1 of the NPPF and Policy B4 of the Unitary Development Plan is relevant.

10.2 Paragraph 22 of the NPPF states:
"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocation should be regularly reviewed. Where there is no reasonable prospect of the site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to the market signals and the relative need for different land uses to support sustainable communities".

10.3. The site has been vacant since 2013, and marketed for 3 years with minimal interest being received. The surrounding road network is narrow, steep in parts, and access for large lorries is difficult. In addition there is limited scope within the site to expand or grow a business, and residential properties physically abut the site on certain boundaries.

10.4 It is considered that it has been satisfactorily demonstrated that there is no reasonable prospect of this site being brought back into employment use, and as such it is appropriate to consider alternative uses for the site.

10.5 The site is not allocated for employment in the Emerging Local Plan, whereas the employment area on the opposite side of Savile Road has been designated as an Employment Protection Zone (ie the loss of this site for employment does not conflict with the policies of the Emerging Local Plan).

10.6 Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant housing policies should be considered to be out of date, in the event that the Council is unable to demonstrate a 5 year supply of deliverable housing sites.

10.7 The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, and the site is within a sustainable location. As such there is no objection to the site coming forward for residential development at this stage

10.8 Given the size of the site, and the number of dwellings that could be delivered, the Council's policies regarding Affordable Housing; Public Open Space and Education Contributions are relevant. As the proposal does not seek approval of numbers or layout, the levels of contributions necessary to comply with policy cannot be quantified at this stage.

10.9 Notwithstanding the above, the applicant has submitted a Viability appraisal, which has been independently assessed. This independent assessment confirms that given the scale of the existing vacant industrial buildings on the site (ie 102,500 sq ft), that a scheme of the scale of the indicative layout ie 55 family homes(ie 59,650 sq ft), will benefit from full vacant building credit, and in accordance with the criteria detailed in the National Planning Practice Guidance. The appraisal also confirmed on the basis of indicative layout full contributions towards both the provision of Public Open Space and Education.

10.10 Taking the above into account, it is unlikely that any affordable housing can be secured on the future scheme. However, as no specific numbers are applied for, and Vacant Building Credit cannot be applied retrospectively (ie if the buildings were to be demolished first), it is still appropriate to impose the relevant affordable housing condition at this stage, together with those for Public Open Space and Education.

10.12. The applicant submitted additional viability information, which claimed, that notwithstanding there was no requirement for any affordable housing provision on this site, the POS and Education contributions (amounting to £168,000) rendered the development of this site unviable.

10.13. This additional viability information has been assessed, and the Independent Assessors have maintained their original recommendation, that the scheme can sustain the POS and Education contributions.

10.14 The applicants have been advised of this conclusion, yet maintain their position, and have not agreed to these contributions. As such the proposal is contrary to the Councils adopted policies on Public Open Space, and Education Contributions.

Urban Design issues

10.15 The site currently comprises an industrial grouping, which has evolved over the years with subdivisions and various additions and adaptations. The buildings are unremarkable and none are considered to be of any heritage value. The site is not within a Conservation Area. As such there is no objection to the removal of the buildings.

10.16 An indicative layout has been submitted with the development, indicating a total of 55 dwellings (comprising a mixture of detached and semi-detached) that would deliver a density of just over 30 dwellings per Ha. The surrounding housing is a mixture of types of residential units, some of which are close to the back edge of pavement. The issue of layout and scale will be the subject of a Reserved Matters layout, however it is considered that the site can deliver an efficient level of development whilst delivering good design and scale, and in terms of appearance, improve upon an existing industrial complex.

10.17 The site contains an existing public footpath from Marsden Street to the crossing point of the Light Railway. Currently this is flanked by tall industrial blocks and equipment; a residential solution will be a significant benefit for the character and safety of this path for pedestrian users.

10.18 In terms of residential, the use of the site for residential is compatible with the neighbouring residential uses and no objection is raised to the use. The indicative layout has attracted some detailed comments from specific neighbours however layout is not applied for. Also some concerns about the indicative layout from a Highways perspective have also been received (see below). All matters are reserved for approval at a later stage, and when received will be the subject of fresh notification and consultation as part of any subsequent reserved matters application.

Highways Issues

10.19 This application seeks outline approval (with all matters reserved) to the demolition of existing buildings and structures and erection of residential development at Greenside Mill, Savile Road, Skelmanthorpe.

10.20 The application site accommodates the existing Greenside Mill complex, which is made up of 4 large industrial buildings and ancillary offices. These industrial buildings have a combined gross floor area of 102,500sq ft and are located off Saville Road and Marsden Street.

10.21 Access to the site is gained via Saville Road by way of two gated accesses and from Marsden Street which runs from Saville Road into the site. These provide access to various parking and servicing areas. Given the location at the centre of Skelmanthorpe, and the size of the existing buildings, it is likely that the residential use will generate less traffic, and in particular, less HGV traffic, than the existing use.

10.22 The indicative layout shows 55 proposed dwellings to be served off Saville Road. The proposed development shown on the indicative plans includes a mix of detached and semi-detached houses. A traditional estate road is shown to run approximately north to south through the site serving as access to two adoptable shared surface carriageways and private driveways. An area of public open space is shown located centrally within the development site. A pedestrian link is shown through to public footpath DEN/28.

10.23 Whist it is acknowledged that the layout plan is indicative there are 3 separate private driveway accesses onto Saville Road in addition to the main access road. One of the three proposed private driveways is a particular concern sited on the inside of the bend. Highways DM would recommend that this site is served by a single point of access from Saville Road. This matter can be dealt with at Reserved Matters stage when the internal Layout and the Access are applied for.

.

10.24 Given the location close to the centre of Skelmanthorpe and that the residential development could potentially generate less traffic and in particular less HGV traffic than the existing permitted use, Highway DM have no objection to these proposals and have no wish to resist the granting of planning, subject to the imposition of appropriate conditions.

Drainage issues

10.25 The site is located within Flood Zone 1 (ie the area least likely to flood), but given the size of the site (ie in excess of 1ha), a Flood Risk Assessment has been submitted to deal with surface water drainage. The site does contain an area to the eastern edge of the site which contains an old brick lined pond (formerly an old dying pit, with a number of brick channels located nearby apparently accessing it). The remainder of the site, which is the bulk of the site is covered with industrial buildings and hard surfacing.

10.26 This is an outline application for residential on a brownfield site, with all matters reserved. Kirklees Flood Management do not object to the principle of a housing development, but are concerned that the current assessments do not provide satisfactory information to properly assess any potential risk, and that therefore all plans should be labelled clearly as “indicative” only.

10.27 The layout submitted is indicative, and it is proposed to require the submission of a series of conditions relating to drainage, including an updated Flood Risk Strategy, to properly inform any drainage proposals at a detailed or reserved matters stage.

Environmental Matters (Decontamination/ remediation; Noise; Air Quality)

10.28 *Decontamination / Remediation* - The site is an existing industrial complex, and the proposed residential use is a more sensitive end user. A Phase 1 Contaminated Land report has been submitted, which indicates that the site can be decontaminated and made fit to receive a new development. To this end conditions are recommended (these conditions will extend to include the level of survey work the Coal Authority are recommending) in order to ensure that the proposal complies with the aims of policy G6 of the UDP and chapter 11 of the NPPF.

10.29 *Noise* - The site is in an area where there are a number of other employment uses, including a motor repair business directly opposite on Marsden Road, and also accessed off Savile Road is the Skelmanthorpe Business Park - which is also safeguarded as an Employment Protection Zone, in the Emerging Local Plan. In the interests of residential amenity for future residents, conditions requiring the submission of a scheme of noise attenuation measures including acoustic fencing and ventilation are submitted for all parts of the site are recommended. This would ensure that the proposal complies with the aims of chapter 11 of the NPPF.

10.30 *Air Quality* - Given the scale of the development, in accordance with the guidance contained in the West Yorkshire Low Emissions Strategy, a condition requiring the provision of electric charging points is recommended.

Biodiversity

10.31 The application is accompanied by an Ecological Survey that is considered to be robust and makes realistic recommendations as to its potential enhancement. The level of bat activity is low, and therefore enhancements aimed at roosting bats are likely to provide benefits.

10.32 Towards the eastern end of the site there is the old pond, and associated channels, which, though currently are of little value, are outside the footprints of existing buildings and represents an opportunity to provide wetland enhancement which would in turn improve foraging opportunities for bats.

10.33 To the north of the site is the Kirklees Light Railway, the route of which forms part of the Kirklees Wildlife Habitat Network. The planting and trees within this habitat are adjacent to the site, and accordingly should not be affected by any new buildings. A landscape scheme would form one of the reserved matters, should outline permission be granted, and will need to detail species to augment the existing planting, and improve the space around the existing footpath, and its exit out of the site and across the railway.

10.34 It is considered that the proposed site is capable of delivering significant biodiversity enhancement in accordance with the guidance contained in chapter 11 of the NPPF.

Representations

10.35 Officers responses to the representations received are as follows:-

- The proposal will result in existing residents being unable to park outside their own homes;
  Response: No layout is actually applied for at this stage, layout including access and parking arrangements will be the subject of a future reserved matters application, which will be the subject to re-consultation.

- The road network around this site is congested and narrow, any access to housing here must be safe;
  Response: Only the principle of residential is being considered at this stage, and access is still to be approved. It must be considered that the current use of the site allows for an intensive use of existing accesses for vehicles and

large HGV's. It is considered that the residential, use will represents a potential reduction in the level of use, and that satisfactory access can be achieved.

- The Traffic Survey submitted is not sufficient, and has not covered appropriate times;
  Response; Highway Services have raised no objection to the Traffic Survey, and it must be remembered any survey needs to pay regard to the existing and potential uses of the site and the associated traffic uses.

- Extra dwellings will put pressure on already oversubscribed schools and doctors services;
  Response - Education Services have raised no objection to the scheme and a condition securing an appropriate level of contribution is proposed. The provision of doctor's services is not a material planning consideration, rather a matter for the Health Authority.

- If permission is allowed then the density should be reduced;
  Response - A specific density is not actually applied for. However the indicative plan shows a density of 30 per ha, which is not an excessive density nor is it inappropriate for this part of Skelmanthorpe which includes a range of house types in immediate proximity to the site.

- If residential is allowed, then conversion of the buildings would be preferable, and safeguard an element of Skelmanthorpe's heritage;
  Response - The site is not within a Conservation Area, and buildings and structures within complex is unremarkable. There is no legitimate justification to require part of the site to be retained for conversion in this case.

- There are 2 very specific comments about siting's and positions of accesses;
  Response - No access is specifically applied for and Highways Services have expressed their own reservations on the positions and numbers of accesses shown on the "indicative" layout. Although having Access confirmed at Outline stage is useful it is not a formal requirement and cannot be insisted upon.

11.0 CONCLUSION

11.1 The site is currently occupied by industrial buildings, that, it is considered are unlikely to come back into employment use, as such in accordance with the guidance contained in paragraph 22 of the NPPF, an alternative use can be considered. This is a brownfield site in a sustainable location, and as such a residential use would be appropriate, and in accordance with the allocation on both the UDP and the Emerging Local Plan which for decision making purposes means approving development proposals without delay.

11.2. The proposal is in outline only with all matters reserved. The residential use is compatible with the neighbouring properties, and it is consider that the site can be safely accessed, and that a residential use, represents a less intensive vehicle use for the surrounding network, than the existing large factory complex.

11.3 Issues such as drainage and noise are capable of being satisfactorily dealt with by condition, and there is significant opportunity for biodiversity enhancement.

11.4. Notwithstanding this the scheme fails to deliver any contributions towards the provision of Public Open Space, or Education provision, and the applicant has failed to demonstrate that these contributions would make the scheme unviable. As such refusal is recommended.

12.0 Recommendation

REFUSE for the following reasons.

1. The proposal fails to make any provision for Public Open Space, contrary to Policy H18 of the Kirklees Unitary Plan.

2. The proposal fails to make any provision towards Education Improvements, contrary to the Councils policy "Providing for Education Needs generated by New Developments".

Background Papers:
Application and history files.

Website link to the application details:-
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91046

Certificate of Ownership –Certificate A signed by Mr Nick Willock and dated 24 March 2017.