

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

**Reference No:** 2017/62/93396/W

**Site Address:** Vale Works, 25, Morley Lane, Milnsbridge,  
Huddersfield, HD3 4NS

**Description:** Demolition of existing industrial buildings and erection  
of 18 apartments with associated landscaping works  
to form vehicular parking, cycle parking and refuse  
storage areas (within a Conservation Area)

**Recommending Officer:** Nick Hirst

**DECISION – S106 Full Permission**

**I hereby authorise the approval of this application for the reasons set  
out in the officer report and recommendation annexed below in respect  
of the above matter.**

David Wordsworth

***AUTHORISED OFFICER***

**Date: 17-May-2018**

Application: 2017/62/93396/W

**Site:** Vale Works, 25, Morley Lane, Milnsbridge, Huddersfield, HD3 4NS

**Proposal:** Demolition of existing industrial buildings and erection of 18 apartments with associated landscaping works to form vehicular parking, cycle parking and refuse storage areas (within a Conservation Area)

### **Site Description**

The site consists of a moderately sized building which includes office space, warehouse and manufacturing for Alan Batley Ltd, a textiles firm, with several ancillary storage buildings around the site. Adjacent to Alan Batley Ltd, using the same access, is James Crowther Fabrics Ltd in a much smaller building. Materials of construction for both buildings include brick and stone, with felt and corrugated roofing. Around the buildings is surfacing that is used for informal parking.

The site is accessed from Morley Lane Road, to the site's north. The site is on a higher ground level than the road. To the site's immediate south is Huddersfield Narrow Canal.

The site is within Milnsbridge, within Milnsbridge Conservation Area. Milnsbridge Local Centre is located 150m to the north-east.

### **Description of Proposal**

The proposal seeks to demolish the existing buildings within the application's red line and to erect a single building of 18 apartments. The building is to be located to the rear of the site, adjacent to the canal. It is to be three storey, with six flats per level. Each floor has a matching layout, with five one bedroom apartments and one two bedroom apartment. The building has an internal floor space of 680sqm over three floors. The smallest one bed apartment has an internal area of 42.8sqm, with the two bedroom apartments being 64.6sqm.

The eaves and ridge heights are 8.5m and 11.45m respectively. The roof form is to be gables and valleys, with a half gable on the east side elevation. The building is to principally be faced in natural stone, with brick as a secondary material and natural slate roof tiles. Balconies are proposed on the front and rear elevations, one per flat.

The existing access onto Morley Lane is to be used and improved. The rest of the site is to be turned to parking and landscaping. 21 parking spaces are proposed, 18 allocated for the flats and three visitor parking spaces. Waste and cycle storage is proposed to the east of the site, each within a separate fenced area.

The application is supported by;

- Planning Statement
- Affordable housing statement and S106 (3 units of mixed tenure)
- Heritage Impact Assessment
- Ecological Assessment
- Statement on business operation
- Crime mitigation details

## **Relevant Planning History**

### Application Site

92/03145: Erection of factory extension – Conditional Full Permission

### Surrounding Area

The surrounding area has no relevant planning history to the current proposal.

## **History of Negotiations**

The application was subject to a pre-application enquiry where advice on design, particularly relating to the CA, was provided.

Other discussions took place during the application process regarding design, highways and affordable housing. The affordable housing discussions resulted in a S106 agreement being provided.

## **Representations**

*Final publicity date expired: 16.11.2017*

Two representations have been received. The following is a summary of the comments made;

### *Support*

- The proposed apartments are a good idea as the site is not currently visually attractive whereas the proposed apartments are of a good attractive landscape design, helping regenerate the area.
- There is a need to provide accommodation on the area.
- It is assumed that the current/previous industry on site is no longer viable, therefore making use of the site is good. There is a large industrial development opposite the site which can accommodate jobs.

### *Object*

- The site is within an industrial area and there are a shortage of industrial buildings/sites to offer employment for the local people.

- The access is tight and further intensification of use is 'insane'. Furthermore drivers 'rip up' Yates and Morley Lane, close to the access point, with there being blind points nearby.
- The flats would not be occupied by owners, but would be buy to let properties or for dhs customers.
- The proposed building does not respect the character of the area, appearing to be from Spain or Portugal.
- Currently large vehicles are unable to use the access road, therefore waste Lorries will not be able to access the site and to improve the access or lower it would damage the adjacent building.
- Other flats within the area are vacant.
- Members of the committee should visit the site.

### **Local Ward Interest**

Local councillors were made aware of the application at pre-application and application stage. Cllr Richards responded, during the pre-application, that the proposal had the impetus to help enliven the village and did not object, subject to the parking and entrance provision being good. No comments were received from members at application stage.

### **Consultation Responses**

#### *Statutory*

- K.C. Highways: No objection subject to condition.
- The Canal and River Trust: No objection subject to condition.
- Yorkshire Water: No objection subject to condition.

#### *Non-Statutory*

- Crime Prevention (PALO): No objection subject to condition.
- K.C. Conservation and Design: No objection subject to condition.
- K.C. Ecology: No objection subject to conditions.
- K.C. Environmental Health: No objection subject to condition.
- K.C. Strategic Housing: Provided advice on affordable housing provision and tenure.

### **Policy**

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Unallocated on the UDP Proposals Map.

The site is Unallocated on the PLP Policies Map. Adjacent to the site is a Priority Employment Zone and a local wildlife site.

Within both the UDP and PDLP the site is within the Milnsbridge Conservation Area.

### **Kirklees Unitary Development Plan**

- **D2** – Unallocated Land
- **BE1** – Quality of design
- **BE2** – Design principles
- **BE5** – Conservation areas
- **BE11** – Building materials
- **BE12** – Space about dwellings
- **EP4** – Noise sensitive locations
- **T10** – New development and access to highways
- **T19** – Parking standards
- **B1** – Business (strategy)
- **B4** – Premises and sites with established use, or last use, for business and industry
- **H1** – Housing (strategy)
- **H10** – Affordable housing

### **Kirklees Publication Draft Local Plan: Submitted for examination April 2017**

- **PLP 1** – Presumption in favour of sustainable development
- **PLP 2** – Place shaping

- **PLP 3** – Location of new development
- **PLP 7** – Effective use of land and buildings
- **PLP 8** – Safeguarding employment land and premises
- **PLP 11** – Housing mix and affordable housing
- **PLP 21** – Highway safety and access
- **PLP 24** – Design
- **PLP 28** – Drainage
- **PLP 35** – Historic Environment
- **PLP 51** – Air quality
- **PLP 52** – Protection and improvement of environmental quality

## **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Paragraph 17** – Core planning principles
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring Good Design
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment
- **Chapter 12** – Conserving and enhancing the historic environment

## **Other**

- **Kirklees Council:** Kirklees Interim Affordable Housing Policy 2016
- **DCLG:** Technical Housing Standards

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

### 1 – Principle of development

#### 1.1 – Sustainable Development

NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8).

The dimensions of sustainable development will be considered throughout the proposal.

Further to the above the Council are unable to demonstrate a 5 year supply of housing land. Therefore relevant policies for the supply of housing should not be considered up to date. Notwithstanding this the site is not subject to policies which restrict the supply of housing.

Conversely Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

## 1.2 – Land allocation

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states;

*‘Planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]’*

All these considerations are addressed later in this assessment.

Consideration must also be given to the emerging local plan. The site is without notation on the PDLP Policies Map. PLP2 states that;

*All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...*

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

## 1.3 – Loss of employment use and provision of residential units

The proposal would result in the loss of an employment site. Therefore Policy B4 of the UDP falls to be considered. B4 outlines a range of considerations to be taken into account in proposed changes of use of premises last used for business and industry.

The commercial unit was built prior to 1950 and the applicant claims the building, and site, are no longer fit for modern manufacturing. The following is extracted from the supporting statement;

*the size and nature of a site that was once considered to serve an industrial premise well has become restrictive to any future development, and a millstone around the neck.*

*In addition, the transport system of canal and river barges that were once used by many of these waterside industrial premises is clearly outdated and unfit for purpose in the modern commercial world. As such, the river or canal side location can become a burden, restricting expansion, and providing no benefit to the business.*

*Given the nature of the site, being hemmed in between public highway and river (making expansion, contraction, storage, and movement of heavy goods vehicles more difficult), and with a reasonable change of level running from north to south over the site; it is considered that this causes difficulties for industrial use of the manner than it currently houses.*

Currently the site accommodates two full time and one part time job, which is limited for the site area. Given the condition of the existing buildings on site and the amount of investment that would be needed to bring it up to current day standards is significant, with the site having poor connections to the motorway. Other sites are therefore better located, and cheaper to operate, restricting the practicality and market value of the site.

Considering to the NPPF, where there is a general presumption in favour of supporting economic development and business needs, paragraph 22 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 allocations should be regularly reviewed.*

Turning to the PDLP the site is adjacent to, but not within, a Priority Employment Zone indicating that the review did not add substantial weight to the site as an employment zone. The PEZ is across the road and officers are satisfied that the proposal will not impact upon the continued operation of the PEZ. Weighing the above, officers are satisfied that the development of the site would not unduly harm local business, employment or the wider economy.

Officers conclude that the principle of development is acceptable. Consideration must be given to the proposal's local impact, outlined below.

## 2 – Impact on visual amenity, including impact upon the Milnsbridge Conservation Area

The site is located within the Milnsbridge Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Additionally, Policy BE5, PLP35 and NPPF Chapter 12 outline the principle of development and restrictions for development in Conservation Areas. In accordance with Chapter 12 of the NPPF consideration must be given to the heritage significance of the heritage asset. The Milnsbridge Conservation Area benefits from an area appraisal.

Milnsbridge encompasses one of a chain of West Yorkshire textile settlements that developed along the valley of the River Colne. As Milnsbridge developed as a major centre for the woollen industry during the 19th century, mills dominated the landscape and some of the mills which remain today are protected under statutory listing, with mills providing a quintessential character of Milnsbridge. Other identified aspects of heritage value include the prevalence of stone buildings and the built environment's relationship with the canal.

Paragraph 56 of the NPPF states that:

*‘ . . . the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’.*

It goes on to highlight a number of objectives in relation to design in Paragraph 58 which include that developments will: add to the overall quality of the area over the lifetime of the development; establish a strong sense of place; optimise the potential of the site to accommodate development; reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and are visually attractive as a result of good architecture and appropriate landscaping.

Turning to local policy context, policies BE1, BE2 and BE11 of the UDP and PLP24 of the PDLP require development to be of a good quality design that is in keeping with surrounding development in respect of design, materials, scale, density, layout, building height/mass. Such development should also create or retain a sense of local identity.

The proposal includes the demolition of the existing building on site. The building is faced in mismatched brick, with flat roofed sections. The building's manufacturing use is in keeping with others in the area, however the design fails to reflect or harmonise with that of neighbouring buildings or the overall character and identified heritage values of the Milnsbridge Conservation Area. While the building was in place at the time of designation, it is considered that the removal of the existing building would be an enhancement to the character of the Conservation Area.

The proposed building is to have a design reminiscent of a traditional mill, mimicking design aspects and characteristics of the traditional mills frequent within the area. This includes the form and mass of the building, with fenestration designed to mimic the larger window openings found within mills. Conservation and Design have requested conditions be imposed requiring windows to be timber, with cross sectional details to be provided, and to be set back a minimum of 75mm. This is deemed reasonable to ensure the fenestration suitably reflects that of nearby buildings.

The proposed building does include modern characteristics, such as feature brick as a secondary material and large glazed doors onto balconies. Balconies on traditional mills are not within precedent in the area, and those proposed are recessed into the building, minimalizing their prominence. The modern aspects do not prejudice the building's overall character and appearance as a traditional mill, while ensuring it respects its era of construction and does not appear as a direct pastiche.

The building is to have a gabled roof with interconnecting valleys. Roof forms on mills are varied and the proposals roof is considered mostly acceptable. However officers expressed concerns over the appearance of the half gable on the east elevation. Such a design is atypical, resulting in a large wall and visually unbalancing the building. Nonetheless this is only the case when directly viewing the north elevation, which is a restricted view. When viewed from the south, overlooking the canal, the half gable is set well away from the frontage, mitigating its impact. When viewed from the east, due to the suitable window placement ensuring that the wall does not appear empty or overly large, being relatively narrow. Viewed from Morley Lane, to the north-west, the half gable is not a prominently visible, being set away from the road. Discussions did take place regarding an alternative design, however no suitable alteration was envisioned by either the applicant or officers without significant changes to the footprint. Thus the applicant wished for he proposed roof form to be determined. On balance, officers do not consider the half gable materially harmful to visual amenity. Considering the Conservation Area, it is not unusual for mills to have unique design quirks, given their historic origins.

With regard to the materials, the use of natural stone with brick as a secondary material is contextually appropriate which reference both the historic use of local stone and the industrial aesthetic of the existing buildings on the site. Roof materials are to be natural slates, which is also deemed acceptable. Nonetheless, given the variation which exists between stone, brick and slates, it is considered reasonable to condition that samples of the proposed materials be provided prior to their use.

In terms of layout, the building is to be adjacent to the canal which reflects the layout of other mills in the area, with mills typically being set against a watercourse/pond. The proposed parking layout makes logical use of the site and would not harm the visual amenity of the area: given that mills are typically converted into flats, outdoor parking alongside converted mills is not

atypical. Landscaping proposed is minimal, given the restrictive nature of the site, with the details provided being considered acceptable.

In summary officers are supportive of the proposed design, which is deemed visually attractive and harmonious with its setting. This is taking into account the area's designation as a Heritage Asset. The proposal will remove a visually unattractive, and architecturally poor, damaged building and replace it with a well-designed modern building which respects the identified heritage values of the Milnsbridge Conservation Area. Officers consider the development to preserve the heritage value of the Conservation Area, with the development complying with Policies D2, BE1, BE2, BE5 and BE11 of the UDP, PLP24 and PLP35 of the PDLP and Chapters 7 and 12 of the NPPF.

## 2.1 – Proximity to nearby Listed Bridge

The site is adjacent to a Grade 2 Listed bridge, named on historic plans as Cuckoo Bridge. Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting the LPA should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed building is 47.0m away from the bridge. The development will not directly impact upon the fabric of the building, although consideration must be given to the bridge's setting. The bridge is currently surrounded by buildings of varying ages and sizes. Considering this, and the separation distance, officers are satisfied that the proposal would not harm the setting of the bridge.

Officers conclude that the development would not harm the heritage value of the nearby listed bridge, in accordance with S66 of the above act, PLP35 and Chapter 12 of the NPPF.

## 3 – Impact on residential amenity

### 3.1 – Impact on adjacent residents

While the application site is currently within a commercial use there are domestic dwellings around the site. These notably include nos.19 to 23 and 37 Morley Lane, to the north, and nos. 14 and 17 Hoffman Street, to the South. Other residential dwellings in the area are further removed from the site and do not raise concerns from officers.

Nos.19 to 23 and 37 Morley Lane face towards the application site, which is on a higher ground level. Given that the building is to be three storeys and on a higher ground level it will be prominently visible from these dwellings. However the separation distance is to be, at a minimum, 24.0m. This is in excess of policy BE12's guidelines of 21.0m, and while the height and level difference is noted officers do not consider the proposal would cause

overbearing or overshadowing that is materially harmful to the amenity of occupiers of nos.19 to 23. Likewise the separation distance negates concerns relating to overlooking. It is noted that there is no right to a view, however conversely the proposal will remove numerous old and visually unattractive commercial units, which will be lower in height and are physically closer to nos.19 to 23 and 37, and replace them with a visually well designed building.

Turning to nos.14 and 17 Hoffman Street, these dwellings are at an oblique angle to the site. Nonetheless the proposed building will be visible from habitable room windows of these dwellings. The minimum separation distance is 20.6m (between no.17 and the new building), below the recommended distance of BE12. However, as noted, the view of the building will be at a notably oblique angle and the shortfall is minimal. Furthermore the application site is set below nos.14 and 17 Hoffman Street. Considering these circumstances, officers are satisfied that the development would not unduly harm the amenity of nos.14 and 17 through overbearing or overlooking. With the development being located to the north, overshadowing is not a concern.

Officers conclude that the proposed development will not prejudice the amenity of neighbouring residents, in accordance with D2, BE12, PLP24 and Paragraph 17.

### 3.2 – Impact on future occupiers

Each flat provides all necessary amenities and has habitable rooms served by windows with suitable outlook and natural light provision. It is noted that there is a shortfall in BE12 for the rear flats, however the shortfall is minimal, and the rear flats overlook the canal, a pleasant and open view. The minor shortfall is not anticipated to cause undue harm to the amenity of future occupiers. As noted above there are no concerns relating to window to window overlooking.

Giving consideration to the 'Technical Housing Standards' document and the comparable sizes of nearby dwellings, officers consider the internal floor areas of the flats acceptable. The site has no communal external amenity area, however this is not uncommon for apartment complexes. Each flat is served by a small balcony area. The amenity of Milnsbridge, including public houses and the canal side walk, are in close proximity. The lack of communal amenity area is therefore not considered harmful to occupiers' amenity.

K.C. Environmental Health have raised concerns over noise pollution from the adjacent businesses. This is a consideration of EP4, PLP52 and Chapter 11 of the NPPF. Initially they advised that a noise report should be provided prior to determination. Following discussions between the applicant, officers and Environmental Health it was concluded appropriate to be provided via condition.

Officers conclude that the proposed development will not prejudice the amenity of future residents, in accordance with D2, EP4, BE12, PLP24, PLP52 and Paragraph 17 and Chapter 11.

#### 4 – Impact on highway safety

The proposal is to use the site's existing access onto Morley Lane. Sightlines of 2.4m x 43.0m, which are suitable for the 30mph road, have been demonstrated and can be secured via condition if minded to approve.

18 allocated parking spaces are proposed, with 3 visitor parking spaces. This is a suitable level of resident parking, however a shortfall of 1 visitor parking space via T19 of the UDP. Nonetheless, given the site's proximity to Milnsbridge town centre, officers do not anticipate this harmful to highway safety. Highways have requested that a condition be imposed requiring details of the parking area 'laid out, surfaced marked and drained in accordance with details provided to the LPA. Given that full surface water drainage details are to be provided, and details of the bays have been provided, this condition is not considered necessary. It is however considered reasonable to condition that the parking bays are implemented in accordance with the submitted plans, and be ready for use, prior to occupation of the site.

24 bike spaces, via Sheffield stands, are proposed. This is one per dwelling, plus 6 visitor spaces. The area is to be surrounded by fencing with code access lock, for security.

In regards to waste storage and collection the provision has been indicated on the site layout plan (dwg ref R1050-110- Rev3). Sufficient storage space is shown, which can be secured via condition. Vehicle tracking has been demonstrated for two sizes of refuse collection vehicle (7.9m and 11.35m). Highways note that there appears to be enough room within the site to accommodate a larger vehicle if required at a later date.

Considering the above officers are satisfied that the proposal would not harm the safe and efficient operation of the Highway, and complies with the requirements of Policy T10 of the UDP and PLP21 of the PDLP.

#### 5 – Other matters

##### 5.1 – Impact on local ecology

The site is within the council's identified bat alert zone and is between two wildlife habitat networks. Furthermore, as the application includes the demolition of a building, the proposal has the potential to impact any species present within the site or in the surrounding area.

The application has been supported by a combined Phase 1 Habitat Survey and Bat Scoping Report. The document has been reviewed by K.C. Ecology, who confirm the methodology and findings are sound. Subject to conditions requiring works and investigations as recommended within the report K.C. Ecology support the proposal. The conditions are considered reasonable and necessary, in accordance with Policy PLP30 of the PDLP and Chapter 11 of the NPPF.

## 5.2 – Proximity to the adjacent Canal, Drainage and Flood Risk

Yorkshire Water and the Lead Local Flood Authority have requested that conditions be imposed requiring full details of the proposal's disposal of surface water drainage. Yorkshire Water's condition specifically relates to their pipe network, where the LLFA's takes a broader approach. In the interest of not doubling conditions, officers are minded to impose the LLFA's condition, which is considered to also address the YW's concerns. The condition is in the interest of protecting the local aquatic environment and Yorkshire Water's infrastructure, and the condition complies with the objectives of PLP28 and Chapter 10 of the NPPF.

## 5.3 – Provision of affordable housing

In accordance with the Interim Affordable Housing Policy and PLP11 officers sought an affordable housing contribution. A S106 has been completed, with three units to be provided as affordable dwellings (two 1-bedroom social rented dwellings and one 2-bedroom intermediate dwelling).

No other planning contributions are required given the scale and nature of the proposal.

## 5.4 – Contaminated land

Because of the past and current commercial uses K.C. Environmental Health and The Canal and River Trust have raised concerns over the site being potentially contaminated land. This is a cause for concern for the C+RT, given the site's proximity to the canal and potential for contaminants entering the watercourse.

In accordance with Policy G6, PLP53 and Chapter 11 of the NPPF, if minded to approve officers are to condition the submission of appropriate investigation works. Furthermore, as requested by the C+RT, a condition is required for construction management detailing how contamination of the canal will be avoided.

## 5.5 – Crime prevention

The application is supported by a Crime Mitigation Document. This has been reviewed by PALO, who supports the recommendations of the document which can be secured via condition. An additional condition is requested for a lighting scheme within the car park, which is considered appropriate by officers.

Subject to these conditions officers are satisfied that the development complies with Policies BE1, BE23, PLP24 and Chapter 8 of the NPPF.

## 5.6 – Air Quality

In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 10 of the NPPF, it is considered reasonable and necessary to seek air quality enhancement as part of the application. This also conforms to the guidance of policies PLP21, PLP24 and PLP51 of the PDLP. This will be sought via electric vehicle charging points, via condition.

## 6 – Representations

### *Support*

- The proposed apartments are a good idea as the site is not currently visually attractive whereas the proposed apartments are of a good attractive landscape design, helping regenerate the area.
- There is a need to provide accommodation on the area.
- It is assumed that the current/previous industry on site is no longer viable, therefore making use of the site is good. There is a large industrial development opposite the site which can accommodate jobs.

**Response:** Comments in support are noted.

### *Object*

- The site is within an industrial area and there are a shortage of industrial buildings/sites to offer employment for the local people.

**Response:** The surrounding area has a mixture of commercial, residential and industrial premises, with there being residential and industrial uses directly adjoining the site.

- The access is tight and further intensification of use is 'insane'. Furthermore drivers 'rip up' Yates and Morley Lane, close to the access point, with there being blind points nearby.
- Currently large vehicles are unable to use the access road, therefore waste Lorries will not be able to access the site and to improve the access or lower it would damage the adjacent building.

**Response:** The proposed access has been shown to have acceptable sightlines for the road's speed limit. K.C. Highways (DM) has reviewed the proposal and are satisfied with the external and internal layouts from a highway safety and efficiency prospective.

- The flats would not be occupied by owners, but would be buy to let properties or for dhs customers.
- Other flats within the area are vacant.

**Response:** 3 flats are to be affordable housing. The other units are to be for market sale, and the end occupier is not a matter for consideration. Claims that other flats in the area are vacant is noted, however not relevant to the proposed development.

- The proposed building does not respect the character of the area, appearing to be from Spain or Portugal.

**Response:** This is noted. Officers conclude, with the visual amenity section, that the building suitably reflects the design of a traditional mill, albeit with modern aspects, and harmonises with the site's setting.

- Members of the committee should visit the site.

**Response:** Under the delegation agreement the application is to be resolved by officers under delegated powers. The proposal was advertised via site notice and NNLs and Local ward members were notified of the proposal. A request for a committee determination was not received.

## 7 – Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation:** Approve

**Application Number:** 2017/93396

**Decision Authorisation:** Delegated Powers

**Officer Recommendation:** Grant Conditional Permission subject to S106

### **Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Chapters 7 and 12 of the National Planning Policy Framework.

3. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority. This shall include consideration of the impact upon the adjacent canal.

**Reason:** To identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and paragraphs 109 and 121 of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority. This shall include consideration of the impact upon the adjacent canal.

**Reason:** To identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and paragraphs 109 and 121 of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 development shall not commence until a Remediation Strategy has been submitted to and approved

in writing by the local planning authority. The Remediation Strategy shall include appropriate measures for the protection of the adjacent canal and a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and paragraphs 109 and 121 of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

6. Remediation of the site shall be carried out and completed in accordance with the

Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and paragraphs 109 and 121 of the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

**Reason:** To identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework.

8. In accordance with the recommendations contained within section 5 of the Extended Phase 1 Survey, as received on the 24th of January 2018, no development shall take place (including any internal or external works

associated with the development) until further ecological surveys following national good practice guidelines and sufficient to investigate a building of 'high' suitability for bats (i.e. three survey visits), has been submitted to and approved in writing by the local planning authority.

**Reason:** In the interest of ecological mitigation and enhancement, so as to confirm the status of the likely brown long-eared bat roosts suspected to exist within the property, and ensure compliance with PLP30 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition so as to so comply with the Local Planning Authority's duties under the Conservation of Habitats and Species Regulations 2017.

9. Where the survey required under condition 8 confirms the presence of a bat roost(s), no development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- 1) purpose and objectives for the proposed works;
- 2) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- 3) extent and location of proposed works shown on appropriate scale maps and plans;
- 4) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- 5) persons responsible for implementing the works;
- 6) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:** In the interest of ecological mitigation and enhancement, so as to confirm the status of the likely brown long-eared bat roosts suspected to exist within the property, and ensure compliance with PLP30 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

10. Prior to the commencement of development, information shall be provided to and approved by the Local Planning Authority to demonstrate that the development will not result in additional loading onto the canal cutting or wash walls that would harm the structural integrity of the waterway infrastructure. Thereafter, development shall be carried out in accordance with the approved details. Details should include calculations to demonstrate that additional loads from the foundations of the development will not harm the slope stability of the cutting, or result in additional loading upon the wash wall of the canal.

**Reason:** In the interest of health and safety and to prevent harm or the potential collapse of the wash wall of the adjacent Huddersfield Narrow Canal, in accordance with Paragraph 120 of the National Planning Policy Framework.

11. Prior to development commencing a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure appropriate measures and procedures are in place to prevent contamination of the canal during construction works, in accordance with Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and paragraphs 109 and 121 of the National Planning Policy Framework.

12. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 70% of the existing pre-development flow rate to the same outfall, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes generated by storms greater than the critical 1 in 30 year event, up to and including the critical 1 in 100 year storm event with an appropriate allowance for climate change shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented and retained thereafter.

**Reason:** To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage so as to accord with PLP28 of the Kirklees Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

13. Prior to the hereby approved development being brought into use the car parking spaces, cycle storage and refuge/recycling storage areas, as shown on plan ref. 'R1050 – 110 Rev.3' shall be completed and made ready for use by residents. The car parking spaces, cycle storage and refuge/recycling storage areas shall thereafter be retained as such.

**Reason:** So as to ensure and maintain an appropriate layout of car parking, the provision of cycle storage and access to waste storage, in the interest of highway safety and efficiency, to comply with Policies T10 and T19 of the Kirklees Unitary Development Plan and PLP21 and PLP22 of the Kirklees Publication Draft Local Plan.

14. The hereby approved development shall not be brought into use until sight lines of 2.4m x 43.0m at the site frontage have been cleared of all obstructions to visibility exceeding 1m in height. Thereafter no obstructions which exceed 1.0m in height above the adjacent highway shall be planted or erected within the sight lines along the site frontage.

**Reason:** In the interests of the safe and efficient use of the highway network, in accordance with Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Kirklees Publication Draft Local Plan.

15. Prior to their use, details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. This

shall include details of the glazing veil. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

**Reason:** In the interests of the visual amenity and to accord with Policies D2, BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Chapter 7 and 12 of the National Planning Policy Framework.

16. Prior to occupation, a 'lighting design strategy for biodiversity' for the canal shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other protected users of the canal and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- a) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed on the south, east or west elevations of the building hereby approved without prior consent from the local planning authority.

**Reason:** To ensure the habitats within and adjacent to the application site, including those designated as Local Wildlife Sites and Kirklees Wildlife Habitat Network, remain suitable for use by nocturnal species, including bats, that may otherwise be discouraged by inappropriate lighting, in accordance with PLP30 of the Kirklees Draft Publication Local Plan and Chapter 11 of the National Planning Policy Framework.

17. Prior to the installation of glazing, ventilation and any other noise mitigation measures a report specifying the measures to be taken to protect the development from noise from neighbouring business and associated operations shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- i. determine the existing noise climate,
- ii. Predict the noise climate in living rooms (daytime), bedrooms (night time) and other habitable rooms of the development
- iii. Detail the proposed attenuation/ design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

Unless otherwise approved in writing with the Local Planning Authority the development shall not be occupied until all the works approved in the

specified report have been carried out in full, and such works shall be thereafter retained.

**Reason:** To protect the residential amenity of future residents and the business operations of the adjacent premises, in accordance with Policy EP4 of the Kirklees Unitary Development Plan, PLP52 of the Kirklees Publication Draft Local Plan and Paragraph 17 and Chapter 11 of the National Planning Policy Framework.

18. All new windows frames shall be of timber construction with a painted finish. Mouldings, timber sections and glazing shall be of a traditional design, details of which (to be shown at a scale of 1:20) shall be submitted to and approved in writing by the Local Planning Authority before any new windows frames are installed. The works shall be completed in accordance with the approved details before the development is first occupied and thereafter retained as such.

**Reason:** In the interest of visual amenity and so as to retain the significance of the Greenhead Park Conservation Area as a designated heritage asset and to comply with Policies BE1 and BE5 of the Kirklees Unitary Development Plan, PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Chapters 7 and 12 of the National Planning Policy Framework.

19. Rooflights shall be of a 'conservation' style and shall be mounted flush with the roofline.

**Reason:** In the interest of visual amenity, to retain the significance of the Greenhead Park Conservation Area as a designated heritage asset to comply with Policies BE1 and BE5 of the Kirklees Unitary Development Plan, PLP24 and 35 of the Kirklees Publication Draft Local Plan and Chapters 7 and 12 of the National Planning Policy Framework.

20. Notwithstanding the hereby approved development, all new windows and doors shall be recessed by a minimum distance of 75mm from the face of the building. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the windows shall thereafter be retained as such.

**Reason:** In the interest of visual amenity and so as to sustain the significance of the heritage asset, to comply with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 and 35 of the Kirklees Publication Draft Local Plan and Chapters 7 and 12 of the National Planning Policy Framework.

21. The hereby approved development shall be completed in accordance with the details contained within the submitted Crime Prevention Measures Statement, as received on the 26th of January, 2018

**Reason:** in the interest of crime prevention and mitigation, and to alleviate the fear of crime, in accordance with Policies BE1 and BE23 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 8 of the National Planning Policy Framework.

22. An electric vehicle recharging point shall be installed within the dedicated parking area of each hereby approved flat before the flat to which it relates is

first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

**Reason:** To accord with the guidance contained in PLP51 of the Kirklees Publication Draft Local Plan and Chapters 4 and 11 of the National Planning Policy Framework.

23. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with PLP28 of the Kirklees Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

### **Note from K.C. Ecology**

Prior to any works taking place on site which may impact on local bats a licence issued by Natural England, pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010, authorising the specified activity/development must be obtained – unless a statement in writing from the relevant licensing body is obtained clarifying that it does not consider that the specified activity/development will require a licence. The appropriate licence is necessary to ensure the proposed works do not result in a criminal offence under the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2017.

### **Note from the Canal and River Trust**

The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 0404040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust.

### **Note from the Police Architectural Liaison Officer**

Individual apartment entrance doors accessed from common parts of the building fall within the requirements of Approved Document Q and should meet with security requirements, such as PAS24:2012. This does not just apply to external, communal entrance doors.

### **Note from K.C. Environmental Health**

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

Monday to Friday: 0730 – 1830

Saturday: 0800 – 1300

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	R1050 – 001	Rev. 2	04.10.2017
Existing Block Plan	R1050 – 010	Rev. 3	04.10.2017
Proposed Block Plan	R1050 – 101	Rev. 3	04.10.2017
Visibility Splays	R1050 – 106	Rev. 3	04.10.2017
Vehicular Turning	R1050 – 107	Rev. 2	04.10.2017
Proposed Block Plan	R1050 – 110	Rev. 3	04.10.2017
Proposed Floor Plans	R1050 – 111	Rev. 4	04.10.2017
Proposed Floor Plans	R1050 – 112	Rev. 4	04.10.2017
Proposed Floor Plans	R1050 – 113	Rev. 4	04.10.2017
Proposed Floor Plans	R1050 – 114	Rev. 4	04.10.2017
Proposed Elevations	R1050 – 201	Rev. 5	04.10.2017
Proposed Elevations	R1050 – 202	Rev. 5	04.10.2017
Proposed Site Sections	R1050 – 301	Rev. 3	04.10.2017
Proposed Site Sections	R1050 – 302	Rev. 3	04.10.2017
3D Visuals	R1050 – 401	Rev. 3	04.10.2017
3D Visuals	R1050 – 402	Rev. 3	04.10.2017
Supporting Information	Planning Statement		04.10.2017
Supporting Information	Crime Mitigation Proposals		26.01.2018
Supporting Information	Affordable Housing Statement		29.01.2018
Supporting Information	Business Statement		10.02.2018
Supporting Information	Extended Phase 1 Survey		24.01.2018
Supporting Information	Heritage Impact Assessment		04.10.2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

During the course of the application additional information was requested and provided by the applicant. This included a S106 Agreement. The original plans, supported by the additional information, were supported by officers.

**Report Dated: 16.05.2018**