

Planning Statement

Lidl Site, Station Road, Mirfield

On behalf of **Darren Smith Homes**

August 2017

16:4981/LM



Contents

Section 1.0 – Introduction	3
Section 2.0 – The Site and Its Surroundings	4
Section 3.0 – Site and Planning History	6
Section 4.0 – National and Local Planning Policy	7
Section 5.0 – Assessment	18
Section 6.0 – Summary and Conclusions	27

List of Figures

Figure 1 – OS Plan

Figure 2 – Environment Agency

Figure 3 – UDP Extract

Figure 4 – Proposed Site Layout

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Section 1: Introduction

This Planning Statement is prepared by John R Paley Associates ('JRP') on behalf of our client **Darren Smith Homes**.

The purpose of the Statement is to assist Kirklees Council ("the Council") in their consideration of the accompanying full planning application for the development of land at Station Road, Mirfield ('the site').

The Accompanying Planning Application

The accompanying planning application is submitted with full detail. The proposed development scheme that is the subject of this application and its rationale is more fully explained in the Design and Access Statement (DAS) but can be summarised as follows:

"Erection of 70 (over 55) retirement apartments comprising of four blocks, provision of a community building, electricity substation and laying out of internal roads, parking areas and greenspace and associated infrastructure."

A formal EIA screening request has been issued to the Council.

Accompanying Submissions

The application is accompanied by the following submissions:

- Planning Statement (this statement) prepared by JRP which examines how the application proposals relate to the development;
- Design and Access Statement prepared by JRP which provides explanation of how the scheme design, layout, appearance and landscaping measures proposed have responded to the site's location and setting;
- Flood Risk Assessment and Drainage Strategy prepared by Haigh Huddlestone
- Transport Assessment and Travel Plan prepared by PAH;
- Ecological Appraisal prepared by Brooks;
- Noise Assessment prepared by Hetts;
- Ground Investigation prepared by Strata Surveys Ltd;
- Phase 1 Desk Study prepared by Haigh Huddlestone; and
- Viability Study, prepared by Savills.

The above list is consistent with the pre-application advice of officers in relation to submissions required to enable the validation and consideration of the planning application.

Section 2: The Site and Its Surroundings

Introduction

The purpose of this section is to provide a brief factual description of the application site and its surroundings, more detail is provided in the accompanying DAS.

Site History

The site lies adjacent to the Canal. The Canal was constructed during the 18th century, through the town linking the River Calder with other rivers in the area. The canal is part of the Calder and Hebble Navigation. As a result of its construction there were many heavy industries in Mirfield which developed including textiles, boat yards and maltings. The application site formed part of the Eastthorpe Malthouses (J.F & J Crowther Ltd) from the 1890's until 1980's which occupied this site and to the south of the canal which connections spanning the water. The malthouses were owned by local maltster John Crowther who lived in Eastthorpe Hall to the north of the site. This was converted to the library in 1948.

Site Description

The site is located immediately to the south of Mirfield town centre, and approx. 3 miles west of Dewsbury town centre. It is situated around Ordnance Survey grid reference approx. SE 20132 19565. A site location plan is shown on Figure 1 below.



Figure 1 – Location Plan

The northern boundary of the site abuts the public car park for the town centre, whilst the southern boundary abuts the Mirfield canal which is part of the Hebble and Calder Navigational Canal network. There is existing residential adjacent to the eastern boundary and to the west of the site is a mixture of residential and commercial buildings including former mills.

The site is roughly rectangular and is currently developed for retail use with a surrounding car park area. The River Calder runs some 300m to the south of the site. The main Leeds to Manchester railway line runs between the site and the river on a raised embankment. There is vehicular underpass on Station Lane that the railway runs over Station Lane. The overall site area to be developed is approximately 0.696 hectares.

The site consists of a single storey steel portal framed building with a floor level of 46.25m AOD. The surrounding car park has levels varying from 47m in the north-east corner down to 45.0m in the south west corner of the site. The canal footpath adjacent to the site is set around 43.75m AOD and is accessed by a pedestrian ramp down from the site or down a steep banking which has been partially landscaped.

To the north is a community car park area separated from the development site by a brick and stone retaining wall. The levels of the car park are between 50.3 and 50.7m AOD. There is a small rectangular area that forms a pedestrian access from the site up to the communal car park. Access for vehicles to the site is taken from Station Road which has a level at the entrance of 57m AOD. The levels rise from the site entrance to the town centre in the north.

The levels to the south also rise slightly over the bridge over the canal, before dropping down to the underpass beneath the railway line and Mirfield station.

The site currently falls within Flood Zones 1, 2, and 3. Zone 3 being at the western end of the site and zone 1 being at the eastern end of the site. The extent of Flood Zone 3 is very limited whilst Flood Zone 2 extends over 60% of the remainder of the site. The site is not considered to form part of the designated flood plains and is therefore designated as Flood Zone 3a at the western end. Part of the site may be considered to be at risk from fluvial flooding from rivers or sea for the 1 in 100-year event and most of the remaining site for the 1 in 1000 year flood event. These are not confirmed by the modelling and recent flood events and the normal variances between modelled and observed data is noted.



Figure 2 – Environment Agency Extract

Section 3: Site and Planning History

Planning History

There is no relevant planning history attached to this site.

Development Plan History

The site lies within an area of unallocated land on the Kirklees Unitary Development Plan (UDP).

Policy D2 is relevant for proposals on sites that are unallocated on the UDP:

“planning permission for the development (including change of use) 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]”.

The policy above does not preclude residential development on this site. In addition, the Council are unable to demonstrate a 5 year supply of housing land and therefore, a weighted presumption in favour of this development applies, in accordance with paragraph 14 of the National Planning Policy Framework (NPPF). Development should be designed in accordance with the requirements set out in policy D2 of the UDP.

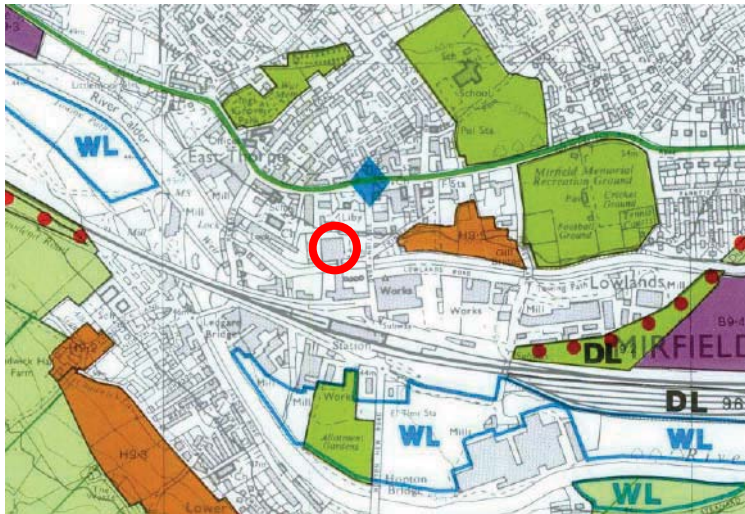


Figure 3 – UDP Extract

SHLAA October 2015

The site is not identified in the 2015 SHLAA.

Section 4: National and Local Planning Policy

Planning Policy Context

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

For the application site in question, the development plan in force for the area comprises of:

- The Unitary Development Plan (Adopted 1999).

The emerging Kirklees Local Plan has now been submitted for Public Examination, which represents an advanced stage in the plan preparation process. Paragraph 216 of the National NPPF advises decision-takers may give weight to relevant policies in emerging plans, and the more advanced the stage of preparation the greater the weight that may be given to emerging policies. As such, it is considered the policies in the emerging Local Plan can be afforded weight at this stage.

National Planning Policy

The cornerstone of the National Planning Policy Framework (“the Framework”) is to proactively deliver sustainable development to support the Government’s economic growth objectives and deliver the development, which the country needs. This Framework is a material consideration in planning decisions.

Paragraph 7 acknowledges that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 14 states at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.

For decision making this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of date, granting permission unless: Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or Specific policies in this Framework indicate development should be restricted.

Paragraph 15 is unequivocal:

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development, which is sustainable, can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Paragraph 22 advises that 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. Where there is no reasonable prospect of a 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 market signals and the relative need for different land uses to support sustainable local communities.

Delivering a Wide Choice of High Quality Homes

The overriding housing objective of the Framework as stated at paragraph 47 is:

“To boost significantly the supply of housing.”

In doing so, Local Authorities are required by the Framework to:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

Paragraph 49 states housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

Promoting Sustainable Transport

Paragraph 29 advises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.

Paragraph 32 states all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 37 advises that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Requiring Good Design

Paragraph 56 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.

Paragraph 57 identifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 58 states planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for
- the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to
- create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Promoting Healthy Communities

Paragraph 69 states “the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.”

Paragraph 70 requires planning decisions should:

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 73 states access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 75 states planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks

Meeting the Challenge of Climate Change, Flooding and Coastal Change

Paragraph 94 states local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk.

Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Conserving and Enhancing the Natural Environment

Paragraph 109 states the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes...minimising impacts on biodiversity and providing net gains in biodiversity where possible...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 121 states planning policies and decisions should also ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

Paragraph 122 states that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.

Paragraph 123 advises that planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquility, which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

New Homes Bonus

Section 143 of the Localism Act, which amends Section 70 of the Planning Act, requires that local finance considerations, so far as material to the application, are capable of being a material consideration to which the local authority should have regard to in the determination of an application.

The New Homes Bonus (administered by DCLG) commenced in April 2011. It effectively means that the Government will match fund the additional council tax raised for new homes completed for the following six years.

The Development Plan

For this site, the development plan in force for the area comprises of:

- The Unitary Development Plan (Adopted 1999).
- Kirklees Publication Draft Local Plan – Strategy and Policies

The development plan policies considered relevant to the consideration and determination of the development proposals from a design and access perspective are as follows:

The Unitary Development Plan (Adopted 1999).

BE1 – Design Principles	All development should be of good quality design such that it
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	<p>contributes to a built environment which:</p> <ul style="list-style-type: none"> i creates or retains a sense of local identity; ii is visually attractive; iii promotes safety, including crime prevention and reduction of hazards to highway users; iv promotes a healthy environment, including space and landscaping about buildings and avoidance of exposure to excessive noise or pollution; v is energy efficient in terms of building design and orientation and conducive to energy efficient modes of travel, in particular walking, cycling and use of public transport.
BE2 – Quality of Design	<p>New development should be designed so that:</p> <ul style="list-style-type: none"> i it is in keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass; ii the topography of the site (particularly changes in level) is taken into account; iii satisfactory access to existing highways can be achieved; and iv existing and proposed landscape features (including trees) are incorporated as an integral part of the proposal.

BE12 – Space About Buildings	<p>New dwellings should be designed to provide privacy and open space for their occupants, and physical separation from adjacent property and land. the minimum acceptable distances will normally be:</p> <ul style="list-style-type: none"> i 21.0m between a habitable room window of a dwelling and a habitable room window of a facing dwelling; ii 12.0m between a habitable room window of a dwelling and a blank wall or a wall containing the window of a non habitable room; iii 10.5m between a habitable room window of a dwelling and the boundary of any adjacent undeveloped land; and iv 1.5m between any wall of a new dwelling and the boundary of any adjacent land (other than a highway). distances less than these will be acceptable if it can be shown that, by reason of permanent screening, changes in level, or innovative design, no detriment would be caused to existing or future occupiers of the dwellings or any adjacent premises or potential development land which may be affected.
BE23 – Crime Prevention	<p>New development should incorporate crime prevention measures to achieve:</p> <ul style="list-style-type: none"> i pedestrian safety on footpaths by ensuring through visibility from existing highways; ii natural surveillance of public spaces from existing and proposed development; and iii secure locations for car parking areas.
D2 Sites without Notification on the UDP	<p>Planning permission for the development (including change of use) of land and buildings without notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that proposals do not prejudice:</p> <ul style="list-style-type: none"> i the implementation of proposals in the plan; ii the avoidance of over-development; iii the conservation of energy; iv highway safety; v residential amenity; vi visual amenity; vii the character of the surroundings; viii wildlife interests; and ix the efficient operation of existing and planned infrastructure.
D6 – Land Adjoining Green Corridor	<p>Development proposals involving land within or adjoining a green corridor will be considered in terms of their impact on:</p> <ul style="list-style-type: none"> i plants within the green corridor and animals using it; ii any watercourse, water area or wetland within the green corridor; iii the visual quality of the green corridor; iv public access along the green corridor; and v the physical continuity of the green corridor. planning permission will not normally be granted unless it can be demonstrated that the green corridor will be safeguarded or an alternative green corridor will be established and that there will be no detriment to wildlife or restriction to public access.

EP4 – Noise Sensitive Development	Proposals for noise sensitive development in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development.
EP10 – Energy Efficiency	In considering planning applications, account will be taken of the extent to which measures have been incorporated to: i maximise opportunities for solar heating; and ii minimise exposure, to wind chill.
EP11 – Ecological Landscaping	Applications for planning permission should incorporate an integral landscaping scheme which protects or enhances the ecology of the site.
G6 – Land Contamination	Development proposals will be considered having regard to available information on the contamination or instability of the land concerned.
H1 – Housing Needs of the District	The housing needs of the district will be met by: i improving existing housing particularly through the designation of renewal areas and areas for housing improvement; ii providing land to meet the requirement for a range of house types by allocating sites of various sizes and in different types of locations having regard to local patterns of demand; iii the provision of houses affordable to those least able to compete in the housing market; and iv applying appropriate planning standards for houses in multiple occupation and residential homes for the elderly.
H10 – Affordable Housing	The provision of affordable housing will be a material consideration when planning applications are considered. the council will negotiate with developers for the inclusion of an element of affordable housing where the lack of affordable housing has been demonstrated. the extent and nature of affordable housing provision will have regard to: i evidence of local need; ii the size of the site and its suitability in terms of access to local services and facilities and the availability of public transport; iii the viability of the overall development; and iv the degree to which a mix of dwelling sizes and types is provided.
H12 – Arrangements to Secure Affordable Housing	Prior to the grant of planning permission for development proposals incorporating affordable housing to meet local needs, arrangements will need to have been made to ensure that such housing will remain available for all time for local residents in proven housing need who cannot afford a house on the open market.
H18 – Provision of Open Space	Proposals for housing development on sites of more than 0.4 hectares will normally be required to include measures within the site for the provision of public open space at a minimum rate of 30 sq.m. per dwelling. the precise location, nature and extent of this

	<p>provision will be determined by reference to:</p> <ul style="list-style-type: none"> i the size of the site and number and type of dwellings proposed: ii the physical characteristics of the site and the requirements for access and drainage. <p>Off-site provision to the same minimum standard or improvements to established public open space will be acceptable as an alternative where there is land with potential as public open space or established public open space readily accessible to the site.</p>
NE9 – Retention of Mature Trees	<p>Development proposals should normally retain any mature trees within the application site. where development is approved on sites containing mature trees no construction, including changes in levels, drainage works and the formation of access roads will be permitted within the crown spread of the trees unless it can be demonstrated that satisfactory precautions will be taken to ensure their continued viability.</p>
T10 – Highway Safety	<p>New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport. proposals will be expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards and to complement the appearance of the development.</p>
T16 – Pedestrian Routes	<p>New development should make provision for safe, convenient and pleasant pedestrian routes, consistent with crime prevention measures outlined in Policy BE23 and with the aim of providing attractive links between homes, places of employment, community facilities and public transport. the line of existing public rights of way will be safeguarded either by integration into the overall scheme or by diversion where an alternative route which maintains the character and function of the right of way is available.</p>
T19 – Parking Standards	<p>The provision of off-street parking will be required in new developments in accordance with the standards set out in appendix 2. Where parking is provided in connection with new developments in town centres arrangements should be made to ensure that it is available to serve the centre as a whole and managed in accordance with Policy T20. Proposals for development which will attract or generate a significant number of journeys and which are to be located where accessibility to public transport is poor should include arrangements for the improvement of public transport provision, in addition to meeting the parking standards.</p>
R13 – Rights of Way	<p>In considering development proposals account will be taken of the potential for new links in the public right of way network and of opportunities for increased enjoyment of the countryside. Development proposals which would affect a public right of way or public access area or which involve the creation of a public right of</p>

	<p>way or public access area should also take account of:</p> <ul style="list-style-type: none"> i the convenience of users of the right of way or access area; and ii the provision of facilities for people with disabilities.
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Kirklees Publication Draft Local Plan – Strategy and Policies

Local Plan can be afforded weight at this stage:

Policy PLP 11 Housing Mix and Affordable Housing	<p>All proposals for housing must provide a broad mix of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing.</p> <p>The council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes, including proposals involving self-contained residential units. The proportion of affordable homes should be 20% of the total units on market housing sites.</p>
Policy PLP 20 Sustainable Travel	<p>New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car.</p>
Policy PLP 22 Parking	<p>Car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development;</p>
Policy PLP 24 Design	<p>Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal.</p>
Policy PLP 33 Trees	<p>The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or</p>

	contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.
Policy PLP 63 New open space	The council will seek to secure well-designed new and improved open space, sport and recreation facilities in the district to encourage everyone in Kirklees to be as physically active as possible and promote a healthy lifestyle for all.

SPDs/SPGs

Interim Affordable Housing Policy (2016)

Mirfield Design Statement

Section 5: Assessment

Principle of Development

The over-arching principle of the Framework is the presumption in favour of sustainable development and the Framework seeks to significantly increase the supply of housing (paragraph 47) and indicates that applications should be considered in the context of this presumption in favour.

The Framework goes further to state that local policies in respect of housing should not be considered up to date if the Council cannot demonstrate a deliverable 5 year housing supply.

Kirklees Council do not have a 5 year supply of housing land for the district.

We therefore consider that the Framework is a material consideration that carries substantial weight in the decision making process. Paragraph 49 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development at paragraph 14 of the Framework should be used to determine planning applications and that relevant policies for the supply of housing should not be considered up to date. We do need to still consider relevant development plan policies and material considerations and this will be undertaken in this section.

The site lies within an area of unallocated land on the Kirklees Unitary Development Plan (UDP). Policy D2 is relevant for proposals on sites that are unallocated on the UDP:

“planning permission for the development (including change of use) 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]”.

The policy above does not preclude residential development on this site. Development should be designed in accordance with the requirements set out in policy D2 of the UDP.

The site comprises of brownfield development within the main Urban Area and therefore accords with paragraph 111 of the Framework, UDP Policy D2 and Local Plan policy PLP11.

It is necessary to consider if the development can be considered sustainable and if there are any adverse impacts from granting permission that ‘would significantly and demonstrably outweigh the benefits’.

We have therefore assessed the site against the three dimensions which constitute sustainable development as outlined in the Framework, which are:

1. Economic
 2. Social
 3. Environmental
-
1. The site in its current guise will be surplus to requirements when the current occupiers Lidl move to their new purpose-built store further on Station Road. It is not considered that Mirfield requires additional retail given the existing provision of the Co-Op and Lidl

- therefore an alternative use of the site is considered the most appropriate. The re-development of the site would support local construction jobs and apprenticeships during the build. The use of locally sourced materials will again support the local economy. The occupation of the site with new residents would support local businesses and services with an injection of income into the local economy. The development would also provide additional council tax receipts and New Homes Bonus for the Council.
2. The development of the site with housing will provide much needed housing and go some way to address the current shortfall within the District. The proposed tenure will be restricted to provide a minimum age of 55 years upon entry of the principal resident. This will satisfy an identified need in the area.
 3. The environmental context provided by the application is the opportunity to create additional enhancements to the Canal towpath, provision of measures to increase ecology and the remediation and re-use of a brownfield site.

Sustainability

This section considers the relationship of the site to existing infrastructure and measures which will be incorporated to minimise climate change in accordance with paragraphs 29 and 37 of the Framework and policies BE1 & EP10 of the UDP and policy PLP20 of the Local Plan.

The proposed development will make a contribution to the present and recognised need for sustainable housing within Mirfield, in an urban location, providing an identified accommodation need that will encourage the use of public transport, walking and cycling.

A significant proportion of the proposed housing has a south orientation and generous spacing to ensure useful solar gains and good day lighting. These measures will help to minimise housing energy use and carbon dioxide emissions regardless of specific house type design.

Additional measures will be taken to ensure the efficient use of natural resources such as water and reduce environmental impacts from materials, pollution, waste sent to landfill and surface water run-off.

The proposed layout preserves the majority of ecologically valuable features and the landscape proposal incorporates a number of new ecological features with the aspiration to increase the ecological value of the site through comprehensive new planting of trees, hedges and species rich wildflower meadows.

The traffic impact of the development of 70 new apartments and a small community building has been assessed, together with the highway safety & access aspects associated with the proposals and this is considered acceptable.

The site is considered to be in a very sustainable location being within an acceptable walking distance of the nearest bus stops, rail station, local shops and services within Mirfield. Within cycling distance of the site is the whole of Mirfield and Ravensthorpe.

Mirfield Rail station is within the walking and cycle catchment for the site. Therefore, the sites location fully conforms to current Government directives for ensuring developments are located in sustainable locations.

In summary, the site is in a highly sustainable location being within close proximity of the nearest bus stops and within acceptable walking distance of the many local services and amenities within Mirfield.

Mix and Efficient Use of Land

The application proposes the “erection of 70 (over 55) two bedroomed apartments comprising of four blocks, a community building, provision of an electricity substation, laying out of internal roads, parking areas and greenspace and associated infrastructure.”

The tenure of the development will be restricted to provide a minimum age of 55 years upon entry of the principal resident. We would expect a suitably worded condition to be attached to any future planning consent securing this, which would then be secured through a restrictive covenant on the leasehold.

The total site area is 0.696 hectares.

The aspiration for this site is that the scheme will provide an overall density of 100 units per hectare. We consider that the proposed density is an efficient use of land in a highly sustainable urban location.

Community Building

Mirfield benefits from an existing Library, however in its current guise this requires substantial capital expenditure, in terms of future maintenance.

The application site is uniquely placed to provide a modern energy efficient library in addition to community space, which could be utilised for a wide range of uses.

The Applicant has undertaken high level discussions with the Council. The outcome of which is that a decision will be made in the early Autumn as to the future of a library in Mirfield. We are confident that the requirement of a library for Mirfield will remain and it has been indicated that if this is the case then the benefits of a new building and community provision will be very welcome.

The provision of a dedicated purpose-built Community Facility that responds to identified local demand and needs sits with guidance contained within paragraphs 69 and 70 of the NPPF.

Affordable Housing

The planning application is accompanied by a Viability Assessment which has been prepared by Savills (UK) Limited on behalf of the Applicant. The report will be submitted to Kirklees Council and considered as part of the planning application process.

Green Space

In accordance with Policy H18 proposals for housing development on sites of more than 0.4 hectares will normally be required to include measures within the site for the provision of public open space at a minimum rate of 30 sq.m. per dwelling.

Following approval of the adjoining Newgate site an additional area of land was secured from the Church and Co-Op on a long-term lease. This parcel of land has planning approval for change of use to be utilised as Public Open Space under approval 2015/62/93074/E. This area of open space is yet to be implemented and it was not a requirement of the adjoining approval.

The Applicant has upgraded the towpath to the Canal frontage of the Newgate development (this was not a requirement of the planning consent). This upgrade included substantial planting and seating.

Given the tenure of the development which will not generate the usual requirement for Children's Play, we would like to propose that in lieu of an off-site contribution for this site, the "Change of Use" open space and tow path improvements to the Canal side frontage could form the greenspace requirement.

There is a mechanism within the policy to allow for off-site provision to the same minimum standard or improvements to established public open space will be acceptable as an alternative where there is land with potential as public open space or established public open space readily accessible to the site. This mechanism also exists within Policy PLP63 of the emerging Local Plan.

This can be secured by a legal agreement.

Education

Given the proposed tenure of the development it will not generate the need to school places. The Council have confirmed that no education contribution will be required.

Residential and Visual Amenity

The DAS has set out the design principles relating to layout, scale, detail, appearance and layout of landscaping and open space. We recognise the importance of good design and achieving high quality developments (paragraphs 56 and 57).



Figure 4 – Proposed Site Layout

Based upon a desire to create a high quality development a number of spatial and design themes are provided for:

The scheme seeks to redevelop the existing Lidl site with an exciting mixed-use scheme comprising of 70 apartments contained within four bespoke designed blocks with provision for a community building.

Vehicular access to the development will be provided from the existing site access on to Station Road located to the north of the bridge over the Calder and Hebble navigation. The junction is a simple priority junction with suitable kerbed radii on both sides and footways returning into the site.

The proposed form of the development will comprise of four blocks, accessed from Station Road, which will utilise the key aspects afforded by the waterfront and Station Road.

The evolving design of the blocks seeks to build upon the fenestration of the adjoining St Pauls development with an exceptionally high standard of design, through to the choice of quality materials and the standard of the build and overall finish.

The apartments will comprise of two bedroomed units with undercroft car parking at ground floor with varying storey heights above dependant on the position within the development site.

The internal courtyard of the development will provide additional surface car parking and amenity space set within a landscaped environment.

The site offers the unique potential to provide a purpose built new community facility of circa 300m² over two levels, which could house the existing library and provide accommodation for various community uses and activities. This fit for purpose accommodation would replace the existing library building in Mirfield.

The enhancement of the Canalside providing planting and seating along with direct pedestrian connections is an important consideration.

The Statement sets out parameters in respect of the creation street hierarchy and parking, green infrastructure and landscaping, block layout, external appearance, materials and detailing. They are fully consistent with the policies within the Framework which seek to ensure that, amongst other things, developments function well and add to the overall quality of the area, establish a strong sense of place, optimise potential to incorporate green and public space and create safe and accessible environments (paragraph 58). The detailed design of the development incorporates good architecture and appropriate landscaping and promotes local distinctiveness (paragraph 60). The submitted design responds to the requirements of Policies BE1 and BE2 of the UDP and policies PLP22 and PLP24 of the emerging Local Plan.

Highways

In accordance with the requirements of paragraph 32 of the Framework, the Transport Assessment which accompanies the planning submission presents the existing traffic characteristics and infrastructure in the surrounding area of the proposed development. The traffic impact of the development of 70 new dwellings with community building is also assessed, and compares the traffic generations, highway safety and access proposals with the existing situation.

Accident records were also obtained, and revealed this section of Station Road has a relatively good road safety record. Compared to the sites existing operations the development represents an overall improvement to all users of Station Road, due to the removal of large articulated vehicles from this part of the highway network, which are associated with the current use of the site.

The site is in a very sustainable location being within close proximity of the nearest bus stops, train station and within acceptable walking distance of the many local services and amenities within Mirfield.

Therefore the site generally conforms to current Government directives for ensuring developments are located in a sustainable location.

A development of some 70 retirement apartments would generate 6 trips in the am peak and 8 trips in the pm peak hours respectively. It should be noted that given the sites sustainable merits in relation to public transport, with the bus stops and the rail station being available within a short walking distance of the site, the actual trip rate for the proposed development is envisaged to be less than that predicated by TRICS. The existing LIDL foodstore would obviously generate more trips at both the peak times and throughout the day as mentioned above.

Therefore the proposals can only have a positive impact on the safe operation of the Station Road and the surrounding network. It is therefore concluded that the development is considered acceptable, and that there are no highway safety or efficiency reasons why planning consent for the proposed development should not be granted.

We consider that there are no transport grounds on which the Council cannot support the application in accordance with paragraph 32 or the requirements of policies T10, T16 and PLP20 of the UDP and Local Plan respectively.

Drainage

As part of the planning submission a detailed Flood Risk and Drainage Assessment has been undertaken by Haigh Huddleston.

The major portion of the site is within flood zone 2 and not likely to be flooded in the 1 in 100 year event. Only a small section of the site is classified as flood zone 3 but these parts of the sites have not been flooded even when recent events have achieved similar 1 in 100 year flood modelling levels. The whole site is therefore considered to be appropriate for the proposed residential development. The residential areas floors are all above the 1 in 1000 year flood water level, with access provisions also well above the 1 in 100 year flood level.

The site is considered to be accessible for the 1 in 100 year even after allowances are made for climatic effects. All residential occupancy areas are above the modelled 1 in 1000 years flood event and well above the 1 in 100 year events.

There is a low risk of flood waters leaving the northern drainage systems may pass through the site, and floor levels should be provided a minimum of 200mm above the external ground levels with a designated flood route designed through the site.

The required 30% reduction in runoff from the site has not been achievable on the site layout and the provision of attenuation storage with a hydraulic flow control device utilised to limit discharges to the agreed rates. There would be no increase in the flood risk downstream of the development because of this. The storage is likely to be provided in the form of Buried "Storm Crates" laid beneath the car park areas.

The residents should be made aware of a requirement to remove cars from the site during any severe flood warning. If any flood warning are issued by the EA. Residents should be made aware of their responsibilities and follow any flood evacuation procedures as part of their purchase agreement.

The site will remain at risk of flooding for flood events in excess of the 1 in 1000 year event but would not be flooded during the 1 in 100 year event allowing for climate effects. There is still a route away from the site for pedestrians should such an event occur and this would be from the access to the east of the site.

If the measures outlined above are implemented we would consider that the requirements of paragraphs 94 and 100 of Framework can be satisfied.

Ecology

An Ecological Assessment has been undertaken by Brooks and accompanies the planning submission.

The Site supports a limited number of common and highly disturbed habitats of limited ecological value. Development is considered highly unlikely to impact upon protected or notable species.

The canal offsite represents habitat of greater ecological value. It is anticipated that development can proceed without detrimental impacts on this feature given some standard precautions and taking into account its inclusion within the Kirklees Wildlife Habitat Network.

The KWHN seeks to maintain and enhance habitat corridors across Kirklees and West Yorkshire. Currently the Site is well lit by security lighting which likely spills out on to the canal reducing its' function as a corridor for nocturnal species such as bats. Though not within the KWHN, an appropriate enhancement of the Site would be the implementation of a sympathetic lighting plan which demonstrates that light spill onto the canal will be minimised. This should include implementing the following (Stone, E.L. (2013):

- Use of narrow spectrum lights with no UV or warm white light;
- Direct lighting downwards;
- Use of low level lighting (e.g. 2m high lighting columns);
- Use of hoods and cowls to direct lighting onto required areas and not onto adjacent habitats;
- Restrict hours of light.

Currently a small strip of grassland with some trees is present along the canal. There is scope within the plans to retain a small buffer strip along the canal and expand along the western boundary, which will also benefit the KWHN. To maximise benefits, this area should be planted with native trees, with suitable species including alder (*Alnus glutinosa*) or silver birch (*Betula pendula*). Additionally, for further enhancement a strip of grassland could be sown with a suitable wildflower mix such as Emorsgate EM1 or EM8 and managed to allow wildflower proliferation.

Ecological Enhancement

The requirement for development to make a positive contribution to biodiversity is clearly set out in guidance such as the NPPF and BS:42020 - beyond mitigating or compensating any potential impacts.

The following themes provide opportunities for the proposals to deliver such a contribution:

- An array of bat and bird boxes should be incorporated into the structure of new buildings. For bats this may include Ibstock bat bricks or Schwegler 2FE wall mounted bat shelters. Whilst for

birds suitable boxes may include Schwegler sparrow terrace 1SP, Schwegler brick box type 25 or brick box type 24.

- Shrub beds could be planted with species of proven wildlife value.

In addition, off site green space will further encourage wildlife responding to paragraph 109 of the Framework and policy EP11 of the UDP.

Contamination

There has been historical industrial development both on and adjacent the site. The surrounding land is a mixture of residential and commercial. We therefore believe the site has a moderate risk of ground contamination being present.

As part of the planning submission a site investigation has been carried out by Strata Surveys Ltd.

The work undertaken to date in respect of ground contamination and the further work proposed satisfies the requirements of paragraphs 121, 122 and 123 of the Framework.

Section 6: Summary and Conclusion

The site is located within the Urban Area of Mirfield where the majority of housing is to be located in line with the principles of the council's policies. The site constitutes part brownfield land and is therefore considered appropriate for development.

The proposals are considered to represent a form of sustainable development having regard to the three dimensions of sustainable development in the NPPF: economic, social and environmental considerations in that the development of circa 70 high quality new family dwellings which would make a significant contribution towards addressing the shortfall in the 5 year housing land supply.

Given the Council cannot demonstrate a 5 year housing supply the presumption in favour of sustainable development applies.

A suite of technical reports have been undertaken which demonstrate that there are no technical Issues which would prevent the re-development of this site for housing.

We have clearly demonstrated that this site is within a sustainable location within the main urban area and that residential development is acceptable in principle.

Matters set out in the Design and Access Statement explain the evolution of the design of the proposals, the selection of the site area and the layout and provides a set of design principles which have informed the proposals. The accompanying Transport Statement sets out that the site is accessible by public transport, linking to jobs and local facilities and services, reducing the need to travel by private car.

In light of the circumstances outlined within this Report, it is hoped that the application will be favorably received and subsequently approved.