
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 19-Dec-2019

Subject: Planning Application 2019/91630 Outline application for erection of 30 dwellings and 12 apartments with ancillary works 4a, Ruth Street, Newsome, Huddersfield, HD4 6JF

APPLICANT

Panorama Living Ltd

DATE VALID

16-May-2019

TARGET DATE

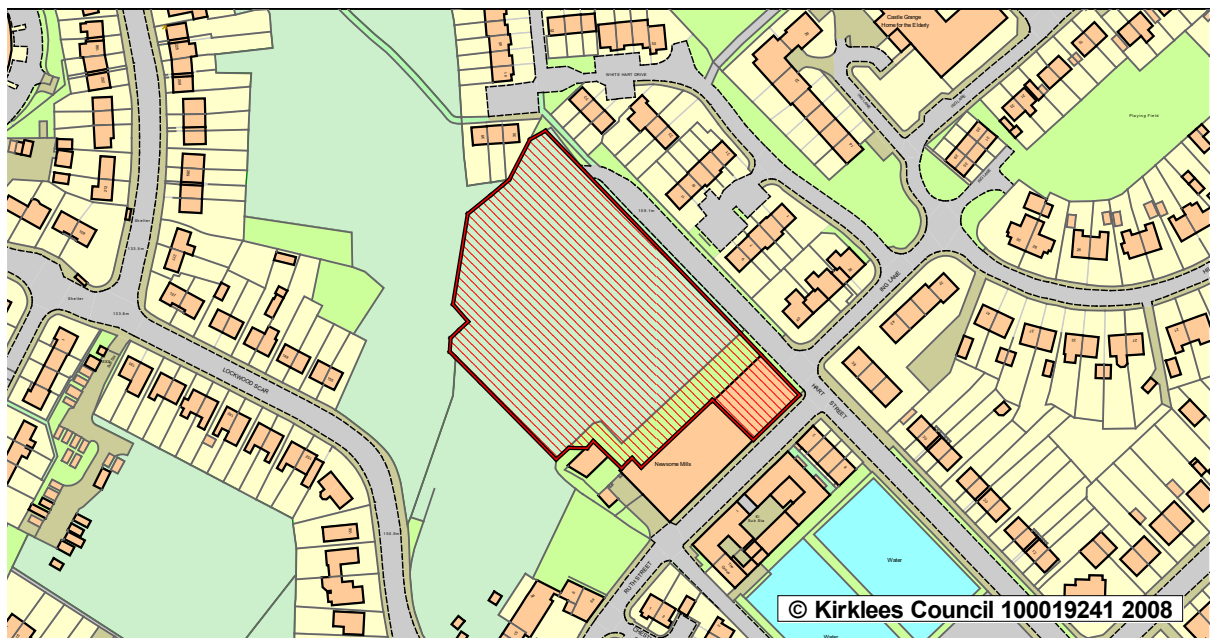
15-Aug-2019

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Newsome

Yes

RECOMMENDATION:

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

1) Phasing of the development hereby approved and securing the implementation of the restoration of the existing mill.

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

1.0 INTRODUCTION:

1.1 There are 3 applications received including this which relate to the redevelopment and restoration of the Newsome Mills, following the extensive fire damage that it suffered in 2016.

1.2 These are:

- 2019/91630: Outline application for 30 no dwellings and 12 apartments;
- 2019/91633: Outline application for extension of mill remains to create 33 apartments, with parking and services on the ground floor and the conversion of the former office building to one dwelling; and
- 2019/01404: Lister building consent for works to the former mill

1.3 Given that the 3 applications are all interlinked and necessary if the mill is to be restored and brought back into beneficial use, these 3 proposals will all be dealt with at the same at the same Committee, which given that the total number of new residential units that would be created is in excess of 60 (ie 76) is the Strategic Committee.

- 1.4 A more detailed appraisal is to be provided as a private paper as the information is likely to be commercially sensitive. Committee Members may wish to discuss this in private session at the committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is the former Newsome Mill that is situated to the north of Ruth Street and turns the corner northwards along Hart Street. Land to the east of the building is residential, to the north is vacant land that has had previous planning permission for residential development and to the immediate south a range of former mill buildings that have been converted to various uses.
- 2.2 The mill complex, has suffered extensive fire damage and has been partly demolished, with the former mill having being reduced to outside walls to first floor level with the remains of the lodge and office together with a substantially reduced clock tower structure.
- 2.3 To the rear of the former mill complex is a cleared area which is currently very overgrown and unkempt and suffering from fly tipping.
- 2.4 The whole site comprises an area of 1.08 ha, and is allocated for housing in the Kirklees Local Plan (HS43).
- 2.5 The site is subject of this proposal comprises an area of 0.82 ha, situated to the northern side of Ruth Street with Hart Street and an open area to the NE. Hart Street extends (in un adopted form to the NE of the site, this includes a public right of way that returns sharply to the SW at the top of the site close to a terrace of dwellings on White Hart Drive.
- 2.6 The site fronts onto both Ruth Street and Hart Street. The longest frontage is facing onto Hart Street, which has on the opposite side a substantial number of dwellings on White Hart Street (however there is no vehicular access onto White Hart Street from Hart Street.

3.0 PROPOSAL:

- 3.1 Outline permission is sought for the erection of 30 no dwellings and 12 no apartments. Two access points are proposed off Hart Street into the development and the access area extends to the rear elevation of the remaining mill, serving the ground floor of the mill, which will comprise the parking area for the proposal for restoring the mill (2019/91633).
- 3.2 The proposed mix of dwellings is 7no 2 bedroom dwellings; 23 no 3 bedroom dwellings; 6 no1 bed apartments; and 6 no2 bed duplex apartments. The dwellings were proposed to be 2 no storey and the apartments 2.5 storey

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

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

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

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

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

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

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

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

- 5.1 There have been previous approvals for the conversion of the mill into apartments and the redevelopment for housing of the rear of the site, but none of these have materialised.
- 5.2. Since the fire there have been a number of pre application discussion with the applicants/ owner, Historic England Housing KC Housing Growth and ward members to produce a strategy to try and get this site developed ,and the mill restored a far as practicable.
- 5.3 Historic England provided some design brief principles for the layout to the rear of the remains of the mill, that have informed the outline application for that part of the site.
- 5.4. As part of the considerations of these applications additional information has been requested regarding the scale and elevations of the extension to the mill. This has been received and re-consultation, including with Historic England has taken place

Kirklees Local Plan (2019):

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

SPD Highways Guidance (adopted 4/11/19)

National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

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

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

8.0 CONSULTATION RESPONSES:

Statutory:

8.1 **Historic England:** Holding objection Support the schemes in principle but require additional information to issue a formal response additional info to include elevations of the restored mill. Additional information has been provided and HE have been re-consulted. Verbally, the information provided has been satisfactory to remove their holding objection, and recommend appropriate conditions for the Section 106 Agreement, as well a detailed conditions o the Listed Building application.

8.2 **KC Lead Local Flood Authority** - Conditions required

Non-statutory:

8.3 **KC Highways** – access and layout acceptable subject to conditions

8.4 **KC Trees** - No objections. Landscaping scheme should be conditioned.

8.5 **KC Statutory Housing** - Support the scheme in principle development on a brown field site. Affordable housing policy is applicable ie 20% of numbers of units.

8.6 **KC Education** – A financial contribution of £137,674 would be required in this instance.

8.7 **KC Environmental Health** - No objections recommend conditions regarding

- Provision of electric charging points
- Contamination and remediation; and
- A Construction Environmental Management Plan

8.8 **KC PROW-** This site is adjacent a public footpath Hud 185. Any details affecting the PROW need to be considered and agreed prior or any development commencing, and as part of a future detailed, or Reserved Matters application.

8.9 **KC Conservation and Design**

This application is in outline form with reserved matters, at this stage approval is sought for access, layout and scale. The application has been the subject of much advice over the past year and beyond due to the catastrophic fire to the main building. As part of the pre-application Historic England were consulted over the layout and the rebuilding of the main mill building to seek a way forward. In terms of the layout this is very much how the development was discussed and as such at this stage is felt to be acceptable. Further details will be required at reserved matters stage but in principle I feel this is acceptable.

However, at some stage the proposed development will need to be tied to an agreement that details the repair and conversion of the remaining buildings as this development is seen as 'enabling' the retention of these important listed buildings.

8.10 **KC Biodiversity-** The site is adjacent to area within the Kirklees Habitat Network. A scheme of this scale would normally require an Ecological Impact Report, to inform any biodiversity enhancement. This report is absent.

8.11 **KC Landscape Parks and Recreation-** This comment relates to both planning applications and a total of 75 units. There is a requirement for an off- site financial contribution of £29,750,000. This would be ring fenced for enhancement of existing play facilities within a 15 minute walk of the site

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

Principle of development

10.1 This site comprises part for a larger site which is allocated as housing on the Kirklees Local Plan. As such whilst the principle of residential is acceptable, the principles of master planning as outlined in LP3 of the Kirklees Local Plan, as the redevelopment of only part of the site would be totally unacceptable. An application for the redevelopment of the balance of the site has been received. As such there is no objection to the principle of residential on this site (subject to the sites comprehensive redevelopment being linked via Section 106 Agreement to the neighbouring application).

10.2 This site comprises an area of 0.82 ha, and the proposal is for a total of 42 dwellings. This comprises a density of 51 units per ha, which is considered to be an efficient and use of the site.

- 10.3 The Section 106 Contributions towards this proposal and the neighbouring development need to be viewed together, and would total:
Education- £137,674; 20% affordable housing ie 15 no units and off site POS contribution of £29,750.00, in addition to the community garden.
- 10.4 In the specific circumstances associated with this site, the need to provide these contributions would result in neither site being viable, and no development would occur. This site even before the fire, was a difficult site to bring forward, and had been subject to viability appraisals. Clearly now the site has significant restraints and requirements being redeveloped, not least, and paramount, that any development should include the rebuilding of the mill, and the land to the rear providing new housing would be necessary to enable that.
- 10.5 It can be seen from the above consultations that in normal circumstances a residential development of this number would attract significant Section 106 contributions. However given the site particular circumstances and history, in this case the combined schemes would not be deliverable should those contributions be required. In this case the issue of prime importance is the restoration of the mill and its site to a viable use consistent with its conservation, and policy compliant contributions are incompatible with that.
- 10.6 In summary the viability issues of the site stem from the need to restore the mill site as far as practicable, together with the significant abnormalities on this site given the previous use and fire, factoring in these costs would have a radical impact on the viability of this scheme. A more detailed summary of the viability issues is to be provided as a private paper should Committee Members wish to discuss this in private session.
- 10.7 The regeneration of this site will provide the opportunity to generate funding and interest in consolidating and stabilising the remaining listed fabric of this prominent mill site, following the major fire damage which occurred several years ago.
- 10.8 Kirklees Council's Brokerage service has worked with the applicant's agent and partner agencies. A major step has been to secure the input of Historic England and Homes England to provide advice on ways to recover the site and historic fabric from its current state and to regenerate the site sympathetically and contribute a quality scheme to the neighbourhood.
- 10.9 Securing Listed Building Consent and planning permission would mark a very important step in providing an approved basis on which to create a detailed design brief, engage with investors and partners, and to allow a fully detailed scheme to be worked up, and for funds to be generated to invest in the historic fabric. It will also enable further support to be given to fully assess and cost the specific investment requirements in the clock tower. It will also allow the council and new development investment to work with partner agencies to scope and secure targeted development funding to support the regeneration of the site for new residents and the community around it.
- 10.10 A site of this scale would usually secure a range of planning gain requirements such as affordable housing as required in the interim affordable housing policy. In this case, discussions with Homes England supports the exceptional rationale for enabling the site to come forward as a market led solution to generate income clear of other policy obligations, to be directed to the priority of the recovery of the historic clock tower and adjacent fabric.

Continuing to work with Historic England and Homes England can support the scheme with further development brief advice, structured development finance, and partnering with affordable housing organisations where they can also offer opportunities for investment and direct purchase. These approaches would need to be flexible and be offered at the right time to support development phases.

- 10.11 This needs to be structured flexibly in a way that legally enables clear revenue income to cover costs and for surplus to be directed in the early stages to the historic fabric. Consequently, it is exceptionally suggested that given the unique historic, place shaping, regeneration and housing outcomes that this proposal is permitted with no affordable housing requirements until the priority heritage investment requirements have been met. This would form the basis of the phasing plan recommended within the Section 106 indicating occupation of dwellings post conversion and repair on a staged basis.

Heritage/Urban Design issues

- 10.12 Chapter 16 of National Planning Policy Framework “Conserving and enhancing the historic environment”, indicates in paragraph 185, that plans should set out a positive strategy for the conservation and enhancement of conservation assets, including those most at risk. This strategy should take into account
- The desirability of sustaining and enhancing the significance of the heritage assets, and putting them to viable uses consistent with their conservation;
 - The wide social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - The desirability of new development making a positive contribution to local character and distinctiveness; and
 - Opportunities to draw on the contribution made by the historic environment to the character of a place
- 10.13 The above provides a context against which to consider the heritage matters against other benefits (economic, environmental and viable reuse). Clearly at present the former Newsome Mills and adjoining curtilage are at great risk, following the fire and the length of time the buildings have been vacant and restoring the mill and bringing the building back into a beneficial use, is of paramount importance. This application is for the erection of 30 dwellings and 12 apartments within the curtilage of the Newsome Mill, and form part of the complete package necessary to deliver a viable reuse of the damaged mill.
- 10.14 Paragraph 192 of the NPPF, indicates that when determining proposals that affect heritage assets local authorities should take account of:
- the desirability of sustaining and enhancing the significance of the heritage assets and putting them into a viable use consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.15 The application site is located to the NW and SE of the listed mill, and has a short frontage onto Ruth Street and a much longer frontage onto Hart Street. This area whilst now largely cleared and overgrown, with remnants of hardstanding, did originally contain a range of buildings mainly single and 2 no storey.

- 10.16 The layout of the buildings applied for provides for a series of terraced dwellings around the perimeter and central to the site. They are 2 and 2.5 storey in height and laid out either in parallel or at right angles to the mill buildings, in a similar pattern to the original buildings.
- 10.17 The terraces all have pitched roofs, the terrace located on the corner of Ruth Street has a “north light roof style” similar to the original building at that part of the site. As such in terms of layout scale and style the new scheme is considered to respect the original character of the mill complex, and complement a restored mill.
- 10.18 In terms of the relationship to the surrounding area the layout delivers what is effectively a new residential street scene, along the Hart Street, with buildings facing onto Hart Street, and a number of blocks located at right angles to Hart Street. These will be sited opposite existing properties on White Hart Street that are also sited at right angles to Hart Street. At the corner of Ruth Street and Hart Street, the dwellings face onto Hart Street, but provide a linking wall to the mill site. The layout is considered to not only reflect the original character and scale of the original mill complex, but an enhancement to the surrounding area, which makes “a positive contribution towards the local character and distinctiveness”.

Residential Amenity

- 10.19 The site is currently vacant and overgrown, and an eyesore. The sensitive redevelopment of this site will, not only be of indirect benefit to the mill, but to the visual amenity of the area, and the neighbouring residential properties.
- 10.20 The nearest existing dwellings to the site, are located to the NE on the opposite side of Hart Street, and 5 dwellings located on White Hart Street at the northern end of the site. The proposed dwellings are located on the opposite side of Hart Street, and the existing dwellings are sited at right angles to Hart Street. There is no pedestrian access proposed to link Hart Street to White Hart Street. As such there should be no adverse effect on residential amenity by way of over dominance of buildings, loss of privacy, or additional pedestrian traffic past the front of the dwellings.
- 10.21 In the northern corner of the site the existing dwellings (a terrace of 3 and a pair of semis, are on the opposite side of the public right of way, and either facing onto a gable or facing away from the proposed dwellings. This relationship is considered satisfactory to safeguard the residential amenities of both existing and proposed dwellings.
- 10.22 Within the proposed layout the dwellings are provided with garden space and parking facilities with satisfactory distances between dwellings to safeguard residential amenity, in accordance with the guidance contained in policy LP24 of the Kirklees Local Plan.

Highways Issues

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

Climate Change

- 10.28 As with the Highways issues, the Climate change issues relate to both applications, and will be covered accordingly.
- 10.29 Drainage- The site is in Flood Zone 1 ie: in an area least likely to flood. The former mill complex had a number of drainage outlets, including to 2 no ponds outside of the site. The location of these outlets and their routes has been obtained, and whilst the applications are both outline with indicative layouts only the route across the site for the 30 dwellings and 12 apartments is not shown as built on. There is little opportunity for the provision of SUDS on this

site, so it is likely the surface water treatment will involve on site storage with a regulated outflow. The Yorkshire Water Authority have raised no objections, and recommend conditions.

- 10.30 Given the site's brownfield history, and the fact that there are still large areas of hardstanding across the site, the opportunity to reduce the surface water run off by at least 30 % based upon the 100% plus 30% for climate change calculations.
- 10.31 It is considered that drainage issues on this site can be satisfactorily resolved by the imposition of appropriate conditions.
- 10.32 Bio-diversity and landscaping- Whilst the site is adjacent to a stretch of the Kirklees Habitat network, in itself it is of little if any ecological value, due to its prior use, and the extensive fire damage. However this does not preclude the option or desirability of a new redevelopment of the site providing bio-diversity enhancement. There is the opportunity for the formation of both bat and bird roost opportunities within any new buildings, where appropriate, as well as the provision of a landscape scheme within the development and enhancement of the remaining trees and vegetation within the communal garden proposed adjacent the mill conversion/extension. Landscaping will be a reserved matter for a future submission, and any scheme should provide some internal planting areas within the scheme for 30 dwellings and 12 apartments to soften the areas of road/ surfacing and parking.
- 10.33 Environmental Health Issues- The applicants has provide both Phase 1 and Phase 2 Contaminated land reports, and Environmental Health are satisfied the site can be remediated and made fit to receive the new development, which is a sensitive end user.
- 10.34 With respect to the Improving air quality and reducing emissions, it is recommended that Electric Vehicle Charging points be provided across the site, and that this be the subject of a condition in accordance with the guidance contained in the West Yorkshire Low Emissions Strategy.

11.0 CONCLUSION

- 11.1 This proposal is one of 3 submissions for the mill conversion/extension, the outline permission for 30 dwellings and 12 apartments and the accompanying listed building application are aimed at providing a realistic framework from which to deliver a viable end use (housing) for the site and the restored listed building that is consistent with the sites conservation. This scheme reflects the previous character and history of the site through the layout and design whilst recognising the scheme needs to be viable if the heritage asset is to be saved at all.
- 11.2 These proposals are in outline form and further reserved matters submissions will need to be submitted and agreed before any development can commence. Additionally, there will be detailed listed building consent to satisfy. All three of the applications are interlinked and need to be treated as such. The joint aims delivering a viable housing end use for the mill aswell as the adjoining site and the restoration of the mill will need to be covered by a phased delivery plan that is to be secured within a Section 106 to ensure restoration work on the mill is delivered as well as the new dwellings.

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

1. Standard 4x outline conditions

Res.Matters to be submitted within 3 yrs

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

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

2. Highways conditions-

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

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

4. Environmental Health conditions;

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

5. Drainage conditions

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

6. Biodiversity enhancement scheme.

NB: As this application relates to the listed mill conversion/extension, there are a number of very detailed conditions on the Listed Building Consent, to safeguard the character and appearance of the listed building.

Background Papers:

Application and history files.

Website link to be inserted here

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