

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

19 DECEMBER 2019

Planning Application 2019/90151

Item 11 – Page 11

Erection of 190 dwellings and associated landscaping and infrastructure

**Land to the North of, Cumberworth Road, Skelmanthorpe, Huddersfield,
HD8**

Amendments

Regarding planning condition 27 (Travel Plan), the condition incorrectly refers to the “provision of METRO passes” when it should instead refer to a “residential travel plan fund”.

Plan Schedule

In support of the draft planning conditions a draft plan schedule has been prepared:

Plan Type	Reference	Version	Date Received
Location Plan	CRSK-2018-LOP-01		18/01/2019
Proposed Planning Layout	CRSK-2018-001N	N	01/11/2019
Landscape Masterplan	R-2179-1F	F	01/11/2019
Management Company Plan	CRSK-2019-002		01/11/2019
Affordable Housing Plan	CRSK-2019-003		01/11/2019
Alwick (Village)	AN-WD16	M	22/07/2019
Barton (Village)	HB-WD16	A	22/07/2019
Buttermere (Village)	RF-WD16	A	22/07/2019
Derwent (Village)	HT-WD16	B	22/07/2019
Windermere (Village)	SU-WD16	A	22/07/2019
Carleton (Village)	ST-WD16	A	22/07/2019
Lockwood Corner (Village)	CCA-WD16	A	22/07/2019
Lockwood (Village)	CA-WD16	A	22/07/2019
Hornsea (Village)	RS-WD16	A	22/07/2019
Earlswood (Village)	LY-WD16	B	22/07/2019
Coniston (Village)	CD-WD16	B	22/07/2019
Belmont (Village)	WS-WD16	B	22/07/2019
Standard Garages	SGD-01	B	18/01/2019
Single/Double Garages 6mx3m	SGD-01	B	18/01/2019
Bin Store	DN-2011-100		30/8/2019

Boundary Treatments	CRSK-BOUN-1B		30/9/2019
Dry Stone Walling	0503-LPC-01		17/12/2019
Planning Statement	50774/01/JG/AJk 17006992v1	1	18/01/2019
Design and Access Statement	SKEL-190719-DAS	A	22/07/2019
Statement of Community Involvement	50774/01/JG/TH 17006998v1	1	18/01/2019
Statement of Community Involvement Addendum	50774/02/CD/TH 17586361v3	3	22/07/2019
Space Standards Justification Letter	50774/01CD/AJk/179 51554v1		01/11/2019
Optima Transport Assessment	17136	1	18/01/2019
Optima Transport Assessment Addendum	17136	1	22/07/2019
Optima Transport Technical Note	17136		30/08/2019
Travel Plan	P0681M-20190718	1	22/07/2019
Flood Risk Assessment	4902	D	30/09/2019
Culvert/Watercourse Works Letter	4902/dl/311019		01/11/2019
Plan of Proposed Culvert/Watercourse Works	4902/FRA/11	0	01/11/2019
Geoenvironmental Appraisal	C7844	B	18/01/2019
Minerals Safeguarding Note	PE1004		22/07/2019
Preliminary Ecology Appraisal	R-2847-01A	A	18/01/2019
Great Crested Newts Survey	R-2847-02A	A	18/01/2019
Breeding Birds Survey	R-2847-03A	A	18/01/2019
Bat Survey	R-2847-04A	A	18/01/2019
Ecological Impact Assessment	R-2847-05D	D	18/01/2019
Arboricultural Report	AWA2454		18/01/2019
Archaeological Desk Based Assessment	PER18-01		18/01/2019
Air Quality Assessment	2260r1	1	18/01/2019
Gas Risk Assessment Letter Report	C7844/RC/8604		18/01/2019
Updated Ground Gas Risk Assessment Letter Report	C7844/RC/9060		04/12/2019

Public Representations

Cumberworth Road Action Group

A letter dated 11/12/2019 was sent by the Cumberworth Road Action Group on 12/12/2019 to committee members regarding the additional supporting information in relation to the Updated Ground Gas Risk Assessment (that was uploaded on 4th December 2019). A number of queries have also been made on the planning committee report on matters of flood risk, site investigation, drainage design, and ground gas. Cumberworth Road Action Group consider that such matters should be robustly addressed and that further evidence should be provided as it would be an unsafe decision to allow the proposed development to proceed. The letter can be read in full on the planning application website.

Officer response: The letter has been forwarded onto the Lead Local Flood Authority and Environmental Health officers who will be in attendance at the planning committee meeting and will be able to answer any queries raised by members, in relation to the above points raised.

Heather Fold Resident Group

The case officer received an email dated 16/11/2019 from a resident representing the residents of Heather Fold. In summary, the email stated that no planning condition properly addresses paragraph 10.37 of the committee report where it explains how Highways Development Management officers will be seeking an appropriate scheme for Cumberworth Road to reduce the speed of vehicular traffic. The email explains how the requirement for this scheme was identified early in the process and it was part of the community communication exercise Persimmon did at the community centre. This matter was also raised by one of the speakers at the last planning committee. No construction should be started until this condition has been fully implemented. The safety of all users of Cumberworth Road is in jeopardy without this implementation.

Officer response: It is considered that the proposed planning condition 26 addresses the provisions of paragraph 10.37 of the committee report.

The email also stated that residents are disappointed that the inadequate lighting, footpaths and a requirement for a 30mph speed limit along the whole of Cumberworth Road and Ponker Lane continues to be ignored.

Officer response: With regards to the request for additional footpath provision and street lighting along Cumberworth Road and Ponker Lane to Shelley Woodhouse Lane, as suggested by some residents would require a planning obligation that would satisfy the tests set out in paragraph 56 of the National Planning Policy Framework:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Officers are of the opinion that requesting such planning obligation would not satisfy the above tests due to the following reasons in relation to the above points:

- (a) Without the path the development is already considered acceptable by officers due to its relationship with the existing settlement of Skelmanthorpe and not the settlement of Lower Cumberworth.

(b) and (c) Would require over 450m of footpath to connect with Shelley Woodhouse Lane which officers consider unreasonable, particularly as the footpath connection leads to a road with no/few shops or services that the potential new residents are likely to use. Residents have also stated that school children travel along the grass verges of Cumberworth Road/Ponker Lane and Shelley Woodhouse to Shelley College and that the creation of a path would facilitate this potential increase in pedestrian movement. However, officers consider that the proposed pedestrian link with Huddersfield Road would provide school children with an alternative safe route of travel.

Outline application for the demolition of 1no. dwelling and erection of 98no. dwellings with consideration for access landscaping and layout

rear of, 271, Cliffe Lane, Gomersal, Cleckheaton, BD19 4SB

Since the publication of the committee report the following representations have been received:

Carter Jonas (Letter received 13/12/2019)

In summary, the letter raised a number of matters with the committee report, including:

- Section 8.2 – Incorrect Planning Policy Team extract
Officer response: Error acknowledged but it should be noted that the correct comments made by the Planning Policy officer were available in full, online. The extract should instead read as:
KC Planning Policy: Site is allocated in the Local Plan (ref: HS116, previously H591) therefore the principle of residential development at this site has been established. Local Plan sets out a number of constraints and specific considerations. Officers originally raised concerns with the original proposal regarding the proposed density and masterplanning in relation to Local Plan policies LP5 and LP7, respectively. Further advice was given to other policy objectives, which were considered to be met. After the receipt of a revised planning application, including a supporting letter justifying the proposal against the said policy objectives. Planning Policy officers explained that using the information supplied in the applicant's letter it would be reasonable to reduce the net developable area for protected trees (0.21), mine exclusion zone (0.06) as well as removing approximately 0.25 ha for land adjacent to Ferrand Lane to reflect the specific requirement set out in this site policy box. This would result in a net area of approximately 3 hectares, which would indicate that at least 105 dwellings would be required as the starting point against policy LP7. The proposal for 98 dwellings is below this; different types of housing could be considered to increase the density, though it is appreciated that this site and its context would present challenges in accommodating these successfully.
- Paragraph 2.3 –Trees that are subject to TPO designations will be protected through the proposals.

- Paragraph 2.4 – The existing levels are understated. The proposals create a development platform that satisfies the Council’s accessibility standards/gradients.

Officer response: Points noted. The purpose of section 2.0 of the report is for the officer to describe the planning application site key features and constraints. The proposal is described within section 3.0 of the report. A site visit before the planning committee meeting will provide committee members with the opportunity to better understand the site key features and constraints.

- Section 8.0 – The Public Rights of Way officer comments are contrary to paragraphs 5.7.

Officer response: During the writing of the report, a revised landscape plan (Ref: 787/LA1E) was received. Comments were subsequently received from the Public Rights of Way officer that broadly reflect those at paragraph 5.7 of the committee report, stating the following:

“They haven’t satisfactorily submitted requested details regarding the footpath, setting and treatment. Landscape plan lacks detail of boundaries proposed and location. No response offered on the design of the northwest corner of the site, bearing in mind the obstruction up there.

If decision to be issued, a condition requiring submission of a scheme, to be agreed, implemented and retained at appropriate trigger points should be included. This requirement may include works, given the design/layout proposed. Otherwise, PROW would object on current submissions.

Standard PROW footnote to add to any decision in addition to a relevant condition about protection of the public footpath, its amenity and its users.”

- Paragraph 10.28 raises the issue of permeability, which has been addressed.

Officer response: The latest site layout plan (Ref: 1332 PL101M) shows a pedestrian/cycle link between the two private driveways and the Public Open Space. As such, the issue of pedestrian/cycle permeability raised in paragraph 10.28 has now been addressed.

- Question the Council’s Strategic Housing Group desire to split a terrace of five affordable properties. From experience and advice from registered providers is that in practical terms it is easier and more efficient to manage adjacent properties in a terraced block, rather than a split block or sporadic distribution of single units across the site. We would seek to resist any amendment to the scheme on this basis.

Officer response: As stated within paragraph 10.22 of the committee report the case officer considers that the affordable housing provision has already been evenly distributed across the planning application site.

- Clarification and queries about the section 106 contributions, which has since been withdrawn by the agent in an emailed dated 16/12/2019.
Officer response: Consultees have sought the proposed planning obligations and officers consider them to be in accordance with paragraph 96 of the NPPF.

Spen Valley District Scouts (Email received 13/12/2019)

Spen Valley District Scouts have agreed the principles of the drainage system as per the planning drawings and work has commenced on formalizing discussions into an Agreement & that the Scouts no longer object to the Development based upon the layout & supporting information being considered by the Authority.

Officer response: This supports the proposed drainage strategy (details to be secured by planning condition) outlined in paragraph 10.58 of the committee report.

Councillor David Hall (Email received 16/12/2019)

Not in favour of the application, primarily due to concerns about highway capacity and highway safety.

Officer response: This matter is considered within section 10.0 of the planning committee report.

KC Waste Strategy (Comments received 11/12/2019)

It should be noted that these comments can be seen in full, online. In summary, the following comments were made:

- A number of specific comments have been made on the proposed location of the bin presentation and collection points in terms of 'drag distance' for plots 8-12 and 20, as well as 62-66.
- Acceptable bin storage capacity for each dwelling is shown.
- Questions raised whether the appropriate gradients for access have been achieved?
- Collection points have inappropriately been shown on grassed areas.
- No location of grit bins.

Officer response: The above matters can be addressed by a suitably worded planning condition for waste collection and provision.

Public representations

Additional public representations were received that were acknowledged but due to time constraints were not appropriately addressed within the committee report, they include:

- The proposed access road to the adjoining land (phase 4) will mean the loss of protected trees, as well as have an adverse impact on ecology and an unacceptable impact on the setting of the heritage assets.

Officer response: The latest site plan (Ref: 1332 PL101M), as well as the Phasing Plan (Ref: 1132SK23) does show an access road is proposed to the boundary of the adjoining land to the northeast of the site. This would mean the loss of a small section of mature hedgerow to facilitate such access point. The existing hedgerow is not within the Gomersal Conservation Area and it is not protected nor is it within the Wildlife Habitat Network. The Biodiversity officer and Arboricultural officer both recognise that its removal is necessary to facilitate development of the wider site allocation (Ref: HS116). Furthermore, this access option would potentially remove the need to provide access onto Ferrand Lane, and thus effect the hedgerows or trees that have such constraints. Heritage impact discussed below.

- Concerns have been raised how the proposed location of the access into the adjoining site would create a residential layout for phase 4 that would have an unacceptable impact on the rural setting of the grade II listed building and Gomersal Conservation Area.

Officer response: A planning application has yet to be submitted for the adjoining site so it is difficult to provide such assessment. However, officers are of the opinion that even if the proposal for phase 4 when considered with this proposal was to lead to some harm to the significance of the heritage assets, it would at worst be considered to be at the lower end of the less than substantial scale. The National Planning Policy Framework, paragraph 196, advises that any less than substantial harm to significance should be weighed against the public benefits of the proposal.

The eventual public benefits that would arise from the site allocation include:

- Provision of mixture of new housing;
- Provision of affordable housing;
- Provision of Open Space;
- Income from Council Tax;
- Employment for building trade and local tradesmen/businesses and the supply train

The proposed scheme would provide for new housing and would have the generally acknowledged public benefits associated with that. On balance, the public benefits would outweigh any harm to the heritage assets. As such, the proposed masterplan would be acceptable in terms of impact on the heritage assets and would still accord with policy LP35 and paragraph 196 of the National Planning Policy Framework.

- Freedom of information request on the number of neighbours consulted.

Officer response: Letters were sent to residential properties that abutted the site. Letters were sent to 70 neighbour addresses.

Planning Obligations

The agent has requested that section 106 financial contributions be based on a net figure of 97 dwelling units rather than 98 dwelling units, as a dwelling will be demolished to make way for the access.

Officer response: After taking legal advice, it is considered that financial contributions should be based on the number of new dwelling units and should not take into account the existing an existing dwelling unit, unless it was to be retained which it isn't.

As such, it should be noted that the planning obligation for public open space incorrectly provides a financial contribution for 97 dwelling houses and not 98 dwelling houses. Therefore, officers would seek to secure the provision of:

Public open space provisions including off site commuted sum (£119,101.00) and future maintenance and management responsibilities of open space within the site. Please note- this corrected figure replaces the previous figure of £117,596.00 within the recommendation of the main agenda report.

Erection of 67 dwellings with associated access and parking

land south of, Granny Lane, Mirfield

Since the publication of the committee report the following information has been received:

(i) a further objection has been received from the group “Save Mirfield”. It has indicated that it objects to the way its original submission is referred to in the committee report. The committee report indicates that a petition was received containing 792 names. Save Mirfield asserts that the document is an objection letter which has been signed by 792 of its members and should not therefore be described as a petition.

Response: for members to note.

(ii) a further objection has been received that alleges that officers have pre-determined this proposal. This is based on the fact that the decision indicated in the committee report is to delegate back to officer to approve subject to the resolution of a section 106 agreement and relevant planning conditions, yet a further consultation period relating to amended information received did not expire until 16 December 2019. In the objector’s view this shows that, whilst a further consultation period was given to allow consideration of the additional information, this was simply a ‘box ticking exercise’ and therefore was no intention of taking into account any representations received as a result. The objector has therefore indicated that this may result in a challenge to the decision in the courts and/or submitting a complaint to the Local Government Ombudsman.

Response: As members are aware, there is a requirement to prepare committee reports one week in advance of committee in order that it can be published on the Council’s website. At the time the final publication draft was prepared, Officers considered that all relevant matters had been satisfactorily resolved. If issues arise via the consultation exercise, between the publication of the committee report and the committee meeting, this can be reported to members in the committee update and any change to the officer recommendation can be amended if required. Officers consider that the consultation exercise carried out was proportionate and there is a satisfactory mechanism to report any additional comments received as a result to the committee.

(iii) A technical appraisal prepared on behalf of an objectors group of the applicant’s supporting Flood Risk Assessment has been received which identifies 32 objections relating this proposal with regard to its potential impact on Flood Risk and concludes that:

“The above (32) recommended objections relate to the overarching statement in NPPF that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.*

We do not believe this obligation has been fully been demonstrated for this development.”

Response: A copy of the aforementioned technical appraisal has been uploaded to the planning file on the Council's Website and has been passed to the LLFA and the applicant.

(iv) A further objection has been received which has raised the following issues not previously addressed in the committee report and are summarised as follows:

No details have been given as to how the £3000 requested to contribute towards the potential upgrade of the off-site water course has been calculated.

Response: This contribution has been requested by the Lead Flood Authority as a proportionate figure to potentially fund such works should they be needed in the future.

Reference has not been made in the committee report to planning application 2004/93159 which was for the Demolition of Barn Store and Stables and Erection of Workshop/Barns/Stables/Garage Building Ancillary to existing House at Sheep Ings Farm which was refused.

Response: The above application principally involved development outside the application site. However a small part of the two application boundaries do overlap and this application should therefore have been included in the Relevant Planning History of the committee report. The said application was refused for the following reasons:

(1) The proposed development by reason of its scale, design and external appearance would have a detrimental impact on the character and setting of the adjacent Listed Building. In addition no justification has been provided as to why the pre-1948 curtilage outbuilding should be demolished rather than re-used, contrary to Policy BE3 of the Kirklees Unitary Development Plan.

(2) The proposed development by reason of its scale, design and external appearance, would detract from the openness, character and visual amenity of the Green Belt, contrary to Policy D8 of the Kirklees Unitary Development Plan. (3) Insufficient information has been submitted to enable the implications of the proposals to be properly judged, particularly having regard to flood risk. As the site lies within Flood Zone 3: High Risk

No mention has been made in the committee report that this site provides insufficient car parking.

Response: This matter was initially raised by the Council's Highway Development Management Team (HDMT) in relation to a number of plots on site. However, following additional information provided by the applicant to show adequate on-street visitor parking it was considered that the site could accommodate adequate parking provision.

The committee report indicates that the site access falls within Flood Zone 2 when it is in Flood Zone 3.

Response: Para 10.42 of the report summarises what the supporting FRA submitted by the applicant concludes. Para. 10.43 makes it clear that despite this, part of the access does in fact fall within Flood Zone 3.

(v) Comments from Cllrs M Bolt and V Lees-Hamilton have been received in connection with this proposal which are reproduced below:

Cllr M Bolt

"I note that you say the report on the Granny Lane planning application was finalised last week

However I would point out that according to the planning application on the be the public consultation doesn't end until today

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/91467>

How can you have ensured that all matters raised in consultation have been considered and assessed?

I once asked a question at committee and was told that all parties should have access to the same information on the agenda, in this case it may be that the applicant, a statutory consultee or residents may have made technical submissions which the others aren't party to , and so this premise is not carried through

I am copying the MP for the Mirfield area into this as I know he has an interest in this matter and will be concerned at the process followed.

In the circumstances I suggest this matter is removed from this Thursday's agenda and brought back when reports can be compiled in full for inclusion in the agenda"

Cllr Lees-Hamilton

"I am emailing in support of Martyn's comments. It is not good enough to update the members of the planning committee a few hours before the meeting, members should be allowed the time to correctly digest any new information regarding a planning application.

Just as importantly objectors and applicants should be given time to study new information that may come light and to have the appropriate time to prepare a response before committee.

I too suggest this matter be removed from the agenda and brought back at a more suitable date after all the results of the public consultation have been included into the report.”

Response: It is not unusual to receive additional details or conclude follow up re-consultations in the build up to planning committees. At the time the final publication draft was prepared, Officers considered that all relevant matters had been satisfactorily addressed. If issues arise via the consultation exercise, between the publication of the committee report and the committee meeting, this can be reported to members in the committee update and any change to the officer recommendation can be amended if required. Officers consider that the most recent consultation exercise carried out was proportionate and there is a satisfactory mechanism to report any additional comments received as a result to the committee update.

(vi) A further objection has been received which raises the following issues which were not specifically referred to in the representations section of the committee report:

A sequential test has not been applied with regard to flood risk in connection with this proposal as required by the National Planning Policy framework.

Response: A sequential analysis is not necessary as the site is allocated for housing in the Local Plan. This exercise was carried out during the formulation of the Local Plan. This site's inclusion in the Local Plan indicates that it has already been considered to be a sequentially preferable site.

The Exception test has not been applied with regard to the use of this site for housing within a flood risk area.

Response: Housing located within Flood Zone 2 is appropriate development and public open space is water compatible development as set out in National Planning Practice Guidance – Flood Risk and Coastal Change. Again as the site has been allocated in the Local Plan, the design of this proposal has avoided the location of dwellings in Flood Zone 3 and the public open space is water compatible development, it is the view of officers that this matter has been adequately considered and an exceptions test does not need to be applied in this instance.

The proposed surface water attenuation tank may not be adequate to deal with surface water drainage from the site therefore exacerbating flood risk.

Response: Following consultation with interested consultees it is considered that the proposed surface water drainage regime is satisfactory for this development. It is proposed to require full technical details of the drainage scheme via planning condition prior to development commencing.

The proposed attenuation tank associated with the surface water drainage regime for the site could be damaged if emergency vehicles use the proposed emergency access.

Response: If required, protection measures for the attenuation tank can be built into the design of the emergency access details. Such details will be secured by planning condition.

(vii) In addition, a further 8 individual objections have been raised reiterating concerns which are included with associated responses in the committee report.

(viii) An intrusive Archaeological Survey has been received with regard to the site. A copy of the report has been included on the application file. The conclusions of the survey have been summarised as follows:

- The trial trenching has shown that the majority of the geophysical anomalies were probably caused by geological changes or repeated movement of horses over the same area.
- The ditches exposed in Trenches 8 and 12 are possible boundary features, with a probable dual purpose for drainage. The date of this feature could not be established.
- The small pits exposed in Trenches 2 and 4 are of interest, but they appear to be isolated which hinders their interpretation. Predicting if other similar or related features may be present in the vicinity is also difficult.

West Yorkshire Archaeological Service (WYASS) has been consulted further and, to summarise, has indicated it feels that there is sufficient archaeological potential to warrant further targeted work. The trial trenching has established that a backfilled boundary ditch and several small pits and a post hole are present. Although undated these are indicative of past human activity within the site. It is therefore proposed to require further archaeological work prior to development commencing via planning condition.

Planning Application 2019/91656

Item 14 – Page 143

Erection of A1 foodstore with car parking, landscaping and associated works

former Oakes Mill, New Hey Road, Oakes, Huddersfield, HD3 4DD

Since the publication of the committee report the following information has been received:

(i) The applicant that is seeking to develop the former spotted cow site off New Hey road (Lidl) under planning application 2019/91433, has submitted a rebuttal of the review by the Council's appointed consultants of their updated supporting Retail Assessment. The outcome of this review was reported in paragraphs 1.1 to 1.4 of the committee report relating to this proposal due the associated implications. Details of the rebuttal are summarised below under application 2019/91433.

(ii) A further 5 individual representations which raise issues already included with associated responses in the committee report. 4 are in support and 1 objects to the proposal

(iii) A further petition has also been received which contains over 1500 signatures which objects to the proposal on the basis that this development would have a detrimental impact on the Salendine shopping centre.

Erection of an A1 foodstore with associated parking, servicing areas and landscaping

Former Spotted Cow Pub, New Hey Road, Oakes, Huddersfield, HD3 4BU

Retail assessment

Since the publication of the committee report the applicant has submitted a response to the review of the revised Retail Impact Assessment that was carried out by the Council's independent retail advisor.

In summary the applicant's response:

- reasserts that their methodology for defining the Primary Catchment Area (PCA) for the proposed store provides a robust basis for the updated assessment;
- provides clarification as to why differing information was contained within the original and revised Retail Impacts Assessments;
- expresses concerns that the independent retail advisor's assessment was undertaken without the benefit of having seen the full survey results of the household shopping survey work that was undertaken;
- reiterates that the household shopping survey results illustrate that the existing main food stores in the vicinity of the application site are all trading very strongly and there is no basis for concern in relation to the viability of those stores;
- disputes the concerns raised in relation to the forecast impacts and;
- contends that the Council has not properly considered the updated Retail Impact Assessment

The Council's independent retail advisor has now seen the full set of results from the household shopping survey. No concerns have been raised with it subject to some minor clarification.

The Council's position remains unchanged from that set out within the committee report. That is that the revised Retail Impact Assessment does not provide sufficiently robust evidence to support the view that both the proposed store (Lidl) and the proposed store at Oakes Mill (Aldi) can operate without having a detrimental impact on the vitality and viability of existing local centres.

Drainage

The applicant has been in discussions with the Lead Local Flood Authority (LLFA) and has agreed to provide an amended drainage plan to address comments made by the LLFA. This can be provided before any decision is issued.

Representations

21 additional representations have been received in support of the application. The main thrust of the comments is that the store would be good for the area and is more desirable than additional housing, it would provide enhanced consumer choice and much needed competition, it would reduce car use and the store would provide jobs. Comments have also been made that the existing site is an eye sore.

29 additional representations have been received objecting to the application. The comments revolve around the site being an inappropriate location for a new food store and the loss of the housing land as the area needs further housing. These objections include a set of detailed comments that have been made in relation to the revised Retail Impact Assessment; concerns have been raised with the accuracy of some of the information including the extent to which the Sainsbury's at Salendine Nook is 'overtrading' and it is concluded that the applicant's assessment does not accurately reflect the likely consequences of the proposal.

A further petition against the application has also been received which contains over 1500 signatures. This is on the grounds of the detrimental impact on the shops within the Salendine Nook Shopping Centre.

Planning Application 2019/90626

Item 16 – Page 175

Alterations to convert former building to 25 dwellings (Listed Building within a Conservation Area)

Thornpark House, 31, Station Road, Batley, WF17 5SU

Amended recommendation:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to secure a revised layout plan for 22 units, complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matter:

1. Four of the units to be affordable with a tenure split of 2 being Social Rented and 2 being Sub Market.

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.

Residential amenity

As discussed at paragraphs 10.31 and 10.32 of the committee report, a proportion of the proposed units fall some way below the minimum gross internal floor areas as recommended in the Government's 'Technical housing standards – nationally described space standard'.

The applicant was asked to review the space provided in the smallest units and consider changing some of the two bedroom units into one bed units and amalgamating some of the one bedroom units to form two bedroom units.

The applicant has responded to say that they are willing to make the changes as suggested by officers. This would result in a reduction in the total number of units to 22 with a split of 12no. two bed flats and 10no. one bed flats.

The applicant has been unable to provide a revised layout plan showing these changes prior to the committee meeting. The recommendation is therefore amended to delegate authority to officers to obtain a revised layout plan reflecting the changes to the units as described above.

Planning obligations

The reduction in the total number of units would mean that the number of affordable houses sought from this development is reduced from five to four.

The School Organisation service had originally advised that a contribution of £11,649 towards primary school provision is required by this development. However, education contributions are calculated on the basis of the number of units with two or more bedrooms with the trigger being 25 dwellings. As such this scheme, in either its original iteration or based on the amended layout, would not trigger an education contribution.

Outline application for extension and alterations to existing mill remains to create 33no. apartments with parking and services at ground floor level, and change of use of former office building into one dwelling and the existing gate house to cycle parking facilities with ancillary works including the provision of open space

4a, Ruth Street, Newsome, Huddersfield, HD4 6JF

AMENDED 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) Following the submission of Reserved matters applications on both 2019/91633, and 2019/91630, and the discharge of conditions on 2019/91404 a Viability reappraisal shall be undertaken;
- 2) Phasing of the development hereby approved and securing the implementation of the restoration of the existing mill, and
- 3) The subsequent provision and maintenance of the communal garden area.

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.

Historic England

Historic England is supportive of the redevelopment of this site but we are keen to ensure that this secures the repair and reuse of the important listed buildings. Since our most recent letter we have been consulted on indicative elevations for the proposed apartment block which will be constructed within the remains of the mill building along Ruth Street (drawing no. 2968/2.241/7). The proposed window openings follow the rhythm of the remaining openings at ground floor which we welcome and the scale of the block reflects that of the historic mill building, thus establishing an appropriate relationship with the clock tower which is a local landmark.

There is still a lack of detail relating to the repair and treatment of the remaining historic fabric and how the proposed new-build element will interface with this fabric. If your authority is minded to grant consent for the proposals we recommend the application of conditions requiring a method statement for the repair and consolidation of the remaining historic fabric as well as approval for the materials, windows and doors by your authority's specialist Conservation Officer.

Our other concern with the applications was how the redevelopment of the wider site could be robustly tied to the repair of the listed buildings so that these are not left to deteriorate further. We still have concerns about the nature of the two separate planning applications for the mill buildings and the new-build housing. However, if the works to the listed buildings can be secured through a legal agreement, including a phasing condition that the works to the listed buildings should be completed in an early phase linked to occupation of the new-build dwellings, we would not object to the proposals. This is in the interests of trying to move the development of the site forward given that the listed buildings have lain vacant for several years now and since we are otherwise comfortable with the form of development proposed to the rear of the site.

Recommendation

Historic England has no objection to the applications on heritage grounds, subject to the application of detailed conditions and a robust legal agreement which can secure the works to the listed buildings in a timely manner linked to the development of the wider site.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Housing Growth Team (Brokerage).

These applications are on a stalled site, probably the most difficult stalled site within the District.

This site has been discussed at the West Yorkshire Combined Authority Historic Buildings Group, together with Historic England and Homes England, and negotiations have been underway with the above, ward members and Council officers to produce a strategy to unlock the is difficult site. These applications are first phase of that strategy.

It is accepted that at a more advanced stage in the programme a detailed viability reappraisal will be required to fully inform the phasing delivery plan for the whole site ensuring that the repair and restoration of the mill.

The Brokerage Service would fund this reappraisal.

The following representations have been submitted on behalf of the **Newsome Mills Campaign** on all 3 applications.

I'm writing on behalf of the Newsome Mills campaign to ask for urgent clarification about the treatment of the Grade II Listed weaving sheds at Newsome Mills, which are impacted by the following applications:

2019/91404 - Listed Building Consent for internal and external alterations and works – Newsome Mills, Ruth Street, Newsome, Huddersfield.

2019/91633 - Outline application for extension and alterations to existing mill remains to create 33 apartments with parking and services at ground floor level and change of use of former office building into one dwelling and the existing gate house to cycle parking facilities with ancillary works including the provision of open space – 4a Ruth Street, Newsome Huddersfield.

2019/91630 - Outline application for the erection of 30 dwellings and 12 apartments with ancillary works – 4a Ruth Street, Newsome, Huddersfield.

The weaving sheds are an important part of the main building at Newsome Mills, which is Grade II Listed. As we have stated in previous responses to applications for the Newsome Mills site, local residents are keen to see the footprint of Newsome Mill retained in full in any future developments. It is unclear from the applications to be considered by the Strategic Planning Committee on 19 December 2019 whether this Grade II Listed structure would be retained. Some of the information in the applications is contradictory.

We would particularly like to emphasise the following:

- The former four storey mill, clock tower and weaving sheds are a single building. The building is Grade II Listed.
- The boundary of the Grade II Listed Newsome Mill is incorrectly drawn on the location plans, with the weaving sheds section of this Grade II Listed building being omitted (this part of the building is incorrectly shown as being open land).
- The application for Listed Building Consent (**2019/91404**) states that no permission is being sought for partial or total demolition of a Listed building.
- The officer report (**2019/91404**) states that “It is proposed to retain the standing remains of the mill building”.
- The officer report (**2019/91404**) incorrectly states that “The roof and part of the external walls of the weaving shed also collapsed” during the fire of 17th November 2016 (this being a direct quote from the Heritage Impact Assessment made by the applicant). The weaving sheds were not damaged by the fire, but were damaged subsequently by the demolition company working on behalf of the owner. We have highlighted this issue on a number of occasions. It is still our understanding that no consent was given for the demolition of a section of the weaving wall (which forms part of the main elevation of Newsome Mill) or a section of the North Light roof.
- The Heritage Impact Assessment (**2019/91404**) states that “The ground floor of the mill will form the car park to the apartment block with a single access/egress to the rear being provided. The access will be formed through an existing opening between the existing pillars that once formed access to the previously demolished weavers sheds.” It is unclear what this statement means. There is currently no access from the weavings through to the ground floor of the former four storey mill.

- The weaving sheds are a key feature of the remaining structures at Newsome Mill (and demonstrate the function of the Grade II Listed building very clearly). Removal of this part of the main building at Newsome Mills would impact significantly on the Listed building and its setting.
- Local residents have requested that the footprint of Newsome Mill should be retained in full in any future developments. The continuous elevation of the building along Ruth Street (the former mill yard) is of particular importance in this respect, as this route is the main way that residents interact with the building.

I have made specific reference to the application for Listed Building Consent, but the same issues also apply to the two planning applications (**2019/91633 & 2019/91630**). In both of these applications, the boundary of the Grade II Listed building is also incorrectly drawn as omits the weaving sheds.

The Newsome Mills Campaign notes, and agree with, the latest response from Historic England, which states “Historic England is supportive of the redevelopment of this site but we are keen to ensure that this secures the repair and reuse of the important listed buildings.” and that “There is still a lack of detail relating to the repair and treatment of the remaining historic fabric and how the proposed new-build element will interface with this fabric.”

We echo the concerns of English Heritage that “We still have concerns about the nature of the two separate planning applications for the mill buildings and the new-build housing.” We would much have preferred to see plans that take the entire of this site into consideration, rather than the site being split into two separate applications. Although we understand the reasons for this, it is clear to us that all of these plans impact on the Grade II Listed Newsome Mills. In this context, it is particularly unhelpful that plans have been submitted and validated which do not show the boundary of the Grade II Listed Newsome Mills, or the boundary between the open land and the listed structures clearly. We believe the plans should be amended to take this into account. This alteration would be a more accurate reflection of the site and would offer the best safeguards for the treatment of the listed buildings, as recommended by English Heritage.

We would like to ask for urgent clarification on the following points:

- Are the plans valid, given that the Grade II Listed Newsome Mill is incorrectly drawn in the plans?
- Will you be making the Strategic Planning Committee aware of the errors in the plans?
- Can you give assurance that the approval of these plans would not constitute tacit consent for the partial demolition of a Grade II Listed building, which Kirklees Council as the local planning authority are responsible for?

- Can you give assurance that the retention of the weaving sheds will be made a condition of planning consent?
- If consent is granted, will conditions be placed on this consent requiring a method statement for the repair and consolidation of all the remaining historic fabric (including the weaving sheds)?
- Is it possible to place a condition on planning consent that the plans should be amended to accurately reflect the boundary between the listed structures and the open land at Newsome Mills? We suggest this would require the weaving sheds section of Newsome Mill to be included in planning application number **2019/91633** (alterations to the mill), instead of in planning application number **2019/91630** (new dwellings). Is this possible?

Planning Application 2019/91630

Item 18 – Page 201

Outline application for erection of 30 dwellings and 12 apartments with ancillary works

4a, Ruth Street, Newsome, Huddersfield, HD4 6JF

AMENDED 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) Following the submission of Reserved matters applications on both 2019/91633, and 2019/91630, and the discharge of conditions on 2019/91404 a Viability reappraisal shall be undertaken;
- 2) Phasing of the development hereby approved and securing the implementation of the restoration of the existing mill, and

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.

Historic England response

Historic England Advice

Historic England is supportive of the redevelopment of this site but we are keen to ensure that this secures the repair and reuse of the important listed buildings. Since our most recent letter we have been consulted on indicative elevations for the proposed apartment block which will be constructed within the remains of the mill building along Ruth Street (drawing no. 2968/2.241/7). The proposed window openings follow the rhythm of the remaining openings at ground floor which we welcome and the scale of the block reflects that of

the historic mill building, thus establishing an appropriate relationship with the clock tower which is a local landmark.

There is still a lack of detail relating to the repair and treatment of the remaining historic fabric and how the proposed new-build element will interface with this fabric. If your authority is minded to grant consent for the proposals we recommend the application of conditions requiring a method statement for the repair and consolidation of the remaining historic fabric as well as approval for the materials, windows and doors by your authority's specialist Conservation Officer.

Our other concern with the applications was how the redevelopment of the wider site could be robustly tied to the repair of the listed buildings so that these are not left to deteriorate further. We still have concerns about the nature of the two separate planning applications for the mill buildings and the new-build housing. However, if the works to the listed buildings can be secured through a legal agreement, including a phasing condition that the works to the listed buildings should be completed in an early phase linked to occupation of the new-build dwellings, we would not object to the proposals. This is in the interests of trying to move the development of the site forward given that the listed buildings have lain vacant for several years now and since we are otherwise comfortable with the form of development proposed to the rear of the site.

Recommendation

Historic England has no objection to the applications on heritage grounds, subject to the application of detailed conditions and a robust legal agreement which can secure the works to the listed buildings in a timely manner linked to the development of the wider site.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Housing Growth Team (Brokerage).

These applications are on a stalled site, probably the most difficult stalled site within the District.

This site has been discussed at the West Yorkshire Combined Authority Historic Buildings Group, together with Historic England and Homes England, and negotiations have been underway with the above, ward members and Council officers to produce a strategy to unlock the difficult site. These applications are first phase of that strategy.

It is accepted that at a more advanced stage in the programme a detailed viability reappraisal will be required to fully inform the phasing delivery plan for the whole site ensuring that the repair and restoration of the mill.

The Brokerage Service would fund this reappraisal.

The following representations have been submitted on behalf of the **Newsome Mills Campaign** on all 3 applications.

I'm writing on behalf of the Newsome Mills campaign to ask for urgent clarification about the treatment of the Grade II Listed weaving sheds at Newsome Mills, which are impacted by the following applications:

2019/91404 - Listed Building Consent for internal and external alterations and works – Newsome Mills, Ruth Street, Newsome, Huddersfield.

2019/91633 - Outline application for extension and alterations to existing mill remains to create 33 apartments with parking and services at ground floor level and change of use of former office building into one dwelling and the existing gate house to cycle parking facilities with ancillary works including the provision of open space – 4a Ruth Street, Newsome Huddersfield.

2019/91630 - Outline application for the erection of 30 dwellings and 12 apartments with ancillary works – 4a Ruth Street, Newsome, Huddersfield.

The weaving sheds are an important part of the main building at Newsome Mills, which is Grade II Listed. As we have stated in previous responses to applications for the Newsome Mills site, local residents are keen to see the footprint of Newsome Mill retained in full in any future developments. It is unclear from the applications to be considered by the Strategic Planning Committee on 19 December 2019 whether this Grade II Listed structure would be retained. Some of the information in the applications is contradictory.

We would particularly like to emphasise the following:

- The former four storey mill, clock tower and weaving sheds are a single building. The building is Grade II Listed.
- The boundary of the Grade II Listed Newsome Mill is incorrectly drawn on the location plans, with the weaving sheds section of this Grade II Listed building being omitted (this part of the building is incorrectly shown as being open land).
- The application for Listed Building Consent (**2019/91404**) states that no permission is being sought for partial or total demolition of a Listed building.
- The officer report (**2019/91404**) states that “It is proposed to retain the standing remains of the mill building”.
- The officer report (**2019/91404**) incorrectly states that “The roof and part of the external walls of the weaving shed also collapsed” during the fire of 17th November 2016 (this being a direct quote from the Heritage Impact Assessment made by the applicant). The weaving sheds were not damaged by the fire, but were damaged subsequently by the demolition company working on behalf of the owner. We have highlighted this issue on a number of occasions It is still our understanding that no consent was given for the demolition of a section of the weaving wall (which forms part of the main elevation of Newsome Mill) or a section of the North Light roof.

- The Heritage Impact Assessment (**2019/91404**) states that “The ground floor of the mill will form the car park to the apartment block with a single access/egress to the rear being provided. The access will be formed through an existing opening between the existing pillars that once formed access to the previously demolished weavers sheds.” It is unclear what this statement means. There is currently no access from the weavings through to the ground floor of the former four storey mill.
- The weaving sheds are a key feature of the remaining structures at Newsome Mill (and demonstrate the function of the Grade II Listed building very clearly). Removal of this part of the main building at Newsome Mills would impact significantly on the Listed building and its setting.
- Local residents have requested that the footprint of Newsome Mill should be retained in full in any future developments. The continuous elevation of the building along Ruth Street (the former mill yard) is of particular importance in this respect, as this route is the main way that residents interact with the building.

I have made specific reference to the application for Listed Building Consent, but the same issues also apply to the two planning applications (**2019/91633 & 2019/91630**). In both of these applications, the boundary of the Grade II Listed building is also incorrectly drawn as omits the weaving sheds.

The Newsome Mills Campaign notes, and agree with, the latest response from Historic England, which states “Historic England is supportive of the redevelopment of this site but we are keen to ensure that this secures the repair and reuse of the important listed buildings.” and that “There is still a lack of detail relating to the repair and treatment of the remaining historic fabric and how the proposed new-build element will interface with this fabric.”

We echo the concerns of English Heritage that “We still have concerns about the nature of the two separate planning applications for the mill buildings and the new-build housing.” We would much have preferred to see plans that take the entire of this site into consideration, rather than the site being split into two separate applications. Although we understand the reasons for this, it is clear to us that all of these plans impact on the Grade II Listed Newsome Mills. In this context, it is particularly unhelpful that plans have been submitted and validated which do not show the boundary of the Grade II Listed Newsome Mills, or the boundary between the open land and the listed structures clearly. We believe the plans should be amended to take this into account. This alteration would be a more accurate reflection of the site and would offer the best safeguards for the treatment of the listed buildings, as recommended by English Heritage.

We would like to ask for urgent clarification on the following points:

- Are the plans valid, given that the Grade II Listed Newsome Mill is incorrectly drawn in the plans?
- Will you be making the Strategic Planning Committee aware of the errors in the plans?

- Can you give assurance that the approval of these plans would not constitute tacit consent for the partial demolition of a Grade II Listed building, which Kirklees Council as the local planning authority are responsible for?
- Can you give assurance that the retention of the weaving sheds will be made a condition of planning consent?
- If consent is granted, will conditions be placed on this consent requiring a method statement for the repair and consolidation of all the remaining historic fabric (including the weaving sheds)?
- Is it possible to place a condition on planning consent that the plans should be amended to accurately reflect the boundary between the listed structures and the open land at Newsome Mills? We suggest this would require the weaving sheds section of Newsome Mill to be included in planning application number **2019/91633** (alterations to the mill), instead of in planning application number **2019/91630** (new dwellings). Is this possible?

Planning Application 2019/91404

Item 19 – 213

Listed Building Consent for internal and external alterations and works

Newsome Mills, Ruth Street, Newsome, Huddersfield, HD4 6JF

Historic England response

Historic England Advice

Historic England is supportive of the redevelopment of this site but we are keen to ensure that this secures the repair and reuse of the important listed buildings. Since our most recent letter we have been consulted on indicative elevations for the proposed apartment block which will be constructed within the remains of the mill building along Ruth Street (drawing no. 2968/2.241/7). The proposed window openings follow the rhythm of the remaining openings at ground floor which we welcome and the scale of the block reflects that of the historic mill building, thus establishing an appropriate relationship with the clock tower which is a local landmark.

There is still a lack of detail relating to the repair and treatment of the remaining historic fabric and how the proposed new-build element will interface with this fabric. If your authority is minded to grant consent for the proposals we recommend the application of conditions requiring a method statement for the repair and consolidation of the remaining historic fabric as well as approval for the materials, windows and doors by your authority's specialist Conservation Officer.

Our other concern with the applications was how the redevelopment of the wider site could be robustly tied to the repair of the listed buildings so that these are not left to deteriorate further. We still have concerns about the nature of the two separate planning applications for the mill buildings and the new-build housing. However, if the works to the listed buildings can be secured through a legal agreement, including a phasing condition that the works to the listed buildings should be completed in an early phase linked to occupation of the new-build dwellings, we would not object to the proposals.

This is in the interests of trying to move the development of the site forward given that the listed buildings have lain vacant for several years now and since we are otherwise comfortable with the form of development proposed to the rear of the site.

Recommendation

Historic England has no objection to the applications on heritage grounds, subject to the application of detailed conditions and a robust legal agreement which can secure the works to the listed buildings in a timely manner linked to the development of the wider site.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Housing Growth Team (Brokerage).

These applications are on a stalled site, probably the most difficult stalled site within the District.

This site has been discussed at the West Yorkshire Combined Authority Historic Buildings Group, together with Historic England and Homes England, and negotiations have been underway with the above, ward members and Council officers to produce a strategy to unlock the is difficult site. These applications are first phase of that strategy.

It is accepted that at a more advanced stage in the programme a detailed viability reappraisal will be required to fully inform the phasing delivery plan for the whole site ensuring that the repair and restoration of the mill.

The Brokerage Service would fund this reappraisal.

The following representations have been submitted on behalf of the **Newsome Mills Campaign** on all 3 applications.

I'm writing on behalf of the Newsome Mills campaign to ask for urgent clarification about the treatment of the Grade II Listed weaving sheds at Newsome Mills, which are impacted by the following applications:

2019/91404 - Listed Building Consent for internal and external alterations and works – Newsome Mills, Ruth Street, Newsome, Huddersfield.

2019/91633 - Outline application for extension and alterations to existing mill remains to create 33 apartments with parking and services at ground floor level and change of use of former office building into one dwelling and the existing gate house to cycle parking facilities with ancillary works including the provision of open space – 4a Ruth Street, Newsome Huddersfield.

2019/91630 - Outline application for the erection of 30 dwellings and 12 apartments with ancillary works – 4a Ruth Street, Newsome, Huddersfield.

The weaving sheds are an important part of the main building at Newsome Mills, which is Grade II Listed. As we have stated in previous responses to applications for the Newsome Mills site, local residents are keen to see the footprint of Newsome Mill retained in full in any future developments. It is unclear from the applications to be considered by the Strategic Planning Committee on 19 December 2019 whether this Grade II Listed structure would be retained. Some of the information in the applications is contradictory.

We would particularly like to emphasise the following:

- The former four storey mill, clock tower and weaving sheds are a single building. The building is Grade II Listed.
- The boundary of the Grade II Listed Newsome Mill is incorrectly drawn on the location plans, with the weaving sheds section of this Grade II Listed building being omitted (this part of the building is incorrectly shown as being open land).
- The application for Listed Building Consent (**2019/91404**) states that no permission is being sought for partial or total demolition of a Listed building.
- The officer report (**2019/91404**) states that “It is proposed to retain the standing remains of the mill building”.
- The officer report (**2019/91404**) incorrectly states that “The roof and part of the external walls of the weaving shed also collapsed” during the fire of 17th November 2016 (this being a direct quote from the Heritage Impact Assessment made by the applicant). The weaving sheds were not damaged by the fire, but were damaged subsequently by the demolition company working on behalf of the owner. We have highlighted this issue on a number of occasions. It is still our understanding that no consent was given for the demolition of a section of the weaving wall (which forms part of the main elevation of Newsome Mill) or a section of the North Light roof.
- The Heritage Impact Assessment (**2019/91404**) states that “The ground floor of the mill will form the car park to the apartment block with a single access/egress to the rear being provided. The access will be formed through an existing opening between the existing pillars that once formed access to the previously demolished weavers sheds.” It is unclear what this statement means. There is currently no access from the weavings through to the ground floor of the former four storey mill.
- The weaving sheds are a key feature of the remaining structures at Newsome Mill (and demonstrate the function of the Grade II Listed building very clearly). Removal of this part of the main building at Newsome Mills would impact significantly on the Listed building and its setting.

- Local residents have requested that the footprint of Newsome Mill should be retained in full in any future developments. The continuous elevation of the building along Ruth Street (the former mill yard) is of particular importance in this respect, as this route is the main way that residents interact with the building.

I have made specific reference to the application for Listed Building Consent, but the same issues also apply to the two planning applications (**2019/91633 & 2019/91630**). In both of these applications, the boundary of the Grade II Listed building is also incorrectly drawn as omits the weaving sheds.

The Newsome Mills Campaign notes, and agree with, the latest response from Historic England, which states “Historic England is supportive of the redevelopment of this site but we are keen to ensure that this secures the repair and reuse of the important listed buildings.” and that “There is still a lack of detail relating to the repair and treatment of the remaining historic fabric and how the proposed new-build element will interface with this fabric.”

We echo the concerns of English Heritage that “We still have concerns about the nature of the two separate planning applications for the mill buildings and the new-build housing.” We would much have preferred to see plans that take the entire of this site into consideration, rather than the site being split into two separate applications. Although we understand the reasons for this, it is clear to us that all of these plans impact on the Grade II Listed Newsome Mills. In this context, it is particularly unhelpful that plans have been submitted and validated which do not show the boundary of the Grade II Listed Newsome Mills, or the boundary between the open land and the listed structures clearly. We believe the plans should be amended to take this into account. This alteration would be a more accurate reflection of the site and would offer the best safeguards for the treatment of the listed buildings, as recommended by English Heritage.

We would like to ask for urgent clarification on the following points:

- Are the plans valid, given that the Grade II Listed Newsome Mill is incorrectly drawn in the plans?
- Will you be making the Strategic Planning Committee aware of the errors in the plans?
- Can you give assurance that the approval of these plans would not constitute tacit consent for the partial demolition of a Grade II Listed building, which Kirklees Council as the local planning authority are responsible for?
- Can you give assurance that the retention of the weaving sheds will be made a condition of planning consent?
- If consent is granted, will conditions be placed on this consent requiring a method statement for the repair and consolidation of all the remaining historic fabric (including the weaving sheds)?

- Is it possible to place a condition on planning consent that the plans should be amended to accurately reflect the boundary between the listed structures and the open land at Newsome Mills? We suggest this would require the weaving sheds section of Newsome Mill to be included in planning application number **2019/91633** (alterations to the mill), instead of in planning application number **2019/91630** (new dwellings). Is this possible?

Planning Application 2019/92462

Item 20 – Page 220

Erection of 71 dwellings with associated works including new access off Lady Ann Road, regrading works and landscaping

land at, Lady Ann Road, Soothill, Batley, WF17 0PY

The applicants have submitted a request for deferral detailed below:

“With regard to the above development which has proved extremely challenging for all concerned, you the Planners, ourselves and all the various Consultants. It is an allocated site and we have been working now on this particular site for a number of years. We, I believe, are in a position with some give and take on both sides to get this matter resolved, a full detailed planning application in place and then be in a position to start delivering homes which are greatly needed by the Kirklees area.

We have a huge list of potential purchasers, most of whom will live local and who are looking for larger family sized homes. The need to build family sized homes is well documented due to the fact that the topography of the site requiring split level homes. I understand that the following reports are outstanding and we acknowledge that some of these have taken some time to obtain but we are working in an industry where most of the Consultants are extremely busy and some of the reports cannot be commissioned until we have an adequate brief from some of the local authorities consultees. I will list the reports.

We understand that you require an updated flood risk assessment, although at this point in time I am not 100% whether you wish us to model the beck. Can we please qualify why we need to model the beck?

Paul Farndale, wrote very positively to our Architect only last week and is pleased with the measures we are taking to prevent the historical on site flooding and to control run off to prevent potential flooding downstream.

Landscaping and Ecology, the previous assessments for Ecology on site have been undertaken by Brook Ecology, I am awaiting a report from Brook Ecology which enhances the ecology and will be in a position to submit the same.

Viability, I submitted to yourselves the viability report, you then sent me a letter to sign which was signed promptly to instruct the Valuers to carry on, however an invoice was sent somewhat later and was not clear what it was for and was not received by myself and was not paid promptly and for this I apologise but had that been better coordinated, i.e. it would have been much better to have sent the invoice out rather than the instruction so that we knew exactly where we stood. I would have paid that invoice significantly earlier had I known the process better.

The transport report should be with us in early course of next week.

Regarding the archaeology, I met with David Hunter on site, the Principle Archaeologist for WYAAS along with our own preferred archaeological consultant. A brief was discussed and agreed with David Hunter to carry out some geophysical exploration. A geophysical was undertaken and submitted to David Hunter and we believe that David Hunter was happy that we had covered off the brief. We believe that this matter was put to bed, can you please inform us if that is not the case as they are your Consultants.

The Geophysical report was submitted with the application; there was no objection from WYAAS published in the consultee responses and Archaeology was not raised as a concern in any of the discussions with our Architect, therefore we are surprised to see this is shown as a reason for refusal.

There have been ongoing discussions between our Architect and Planning and we have made refinements to the layout, which we understand you are now happy with.

All of the reasons for refusal have being addressed in the proposed scheme, as will be shown in the reports that are being prepared, therefore as we are keen to get this matter resolved and we realise that you as a local authority will be keen to get it resolved and we would ask that the application be deferred from the meeting of 19th December 2019 so that the necessary reports can be submitted, consulted on and the application goes before committee with a recommendation for approval and is ultimately approved.

Regards

Chris Noble
Managing Director

Demolition of existing children's play gym/out of school club and erection of children's play gym (D2), children's private day nursery (D1) and cafe (A3) and formation of 68 car parking spaces and associated landscaping

Land at, Knowle Lane, Meltham, Holmfirth, HD9 4HL

10.0 APPRAISAL

Clarification

Potential loss of employment land and premises

10.4 The case officer wrote in the main agenda report that the uses proposed are not classed as “employment-generating” within the meaning of Policy LP8. In fact, paragraph 7.21 of the policy justification states that for the purposes of LP8 employment-generating uses are recognised as the B use class and enterprises that provide jobs, including but not restricted to assembly & leisure uses. This does not affect the officer’s assessment which already says the proposal would create jobs and accords with Policy LP8.
