

Robert Halstead

Chartered Surveyors & Town Planners

N.C. Willock MRICS MRTPI

Office G of H, Bridge Mills, Huddersfield Road, Holmfirth, HD9 3TW

Tel: 01484 686322 e mail: nick@roberthalstead.co.uk

Planning Development

Planning Policy Supporting Statement – Phase II Former Ledgard Bridge Mills, Back Station Road, Mirfield, WF14 8NZ

Summary

Following the success of Phase I of the Ledgard Bridge regeneration scheme over a decade ago, planning permission is now sought for the second phase (Phase II) of residential development at the former Ledgard Bridge Mills industrial site, comprising 76 no. two bed apartments over six levels with associated parking, open space, and landscaping. The site is intended to be developed as a Build to Rent scheme as per the NPPF definition – i.e. purpose built housing which is typically 100% rented out.



Phase I – Ledgard Bridge Mills

The location of this site is in the urban area of Mirfield, close to the town centre and railway station (only direct link to London in Kirklees), providing an excellent opportunity for an accessible and high density development on a what constitutes an under-utilised brownfield site, providing significant windfall housing in the context of the Council's current significant shortfall in housing supply and delivery.

In particular, 400 homes are estimated to be needed over the current Local Plan period for the Mirfield area, and yet housing allocations only add up to just over half this number. There is already some doubt over the deliverability of some of these allocations (as detailed within the Flood Risk Sequential and Exceptions Test report). The proposal will also reduce pressure to develop Greenfield and Green Belt sites in future (which would also potentially be less accessible / sustainable).

The site is owned by the applicant in this case and is therefore available and deliverable as a housing site. The applicant has a proven track record in delivering apartment-led former industrial sites - e.g. Phase I Ledgard Bridge Mills and the large and successful Blakeridge Mills regeneration project in Batley. The NPPF places Build to Rent in a distinct (housing) asset class, and we are not aware of any other developer providing this class of housing in Kirklees.

The Council's SHMA report confirms greater need to accommodate smaller households going forward, as well as the need for flats / apartments, in particular two bed flats / apartments. It is considered that in combination with Ledgard Bridge Mills Phase I, this is a good quality, mutually complementary housing mix that would help to meet the requirement and need for two bed apartments within Kirklees – i.e. a type of development not typically offered by volume housebuilders on housing development sites.

Balancing the various material planning considerations in this case, the proposals before the Council are considered to achieve the objectives of sustainable development in accordance with the National Planning Policy Framework, and also accord with the Council's up-to-date Local Plan.

Moreover, given the Council's lack of a five year housing supply, the presumption in favour of development is triggered in accordance with NPPF para 11 (d), and it is considered that the benefits of the scheme would not be *significantly and demonstrably* outweighed by any identified adverse impacts in this case, as set out below.

Site Description

The proposals relate to a 1.74 ha¹ section of the former Ledgard Bridge Mills site, which is in two parts:

- (a) a broadly triangular area on the south-eastern side of the site beyond the converted Ledgard Bridge Mill, bounded by the River Calder to the south-west, Back Station Road to the north-east, and residential development to the east; and
- (b) The area of vacant land to the north-west of the converted Ledgard Bridge Mill, with the river to the west, Ledgard Bridge to the north, and Back Station Road to the north-east.

The site currently includes the main original four-storey² stone-built mill building, which was converted to 125 apartments over a decade ago (see planning history below).

A single storey brick building exists to the east of this apartment block, which is currently vacant.

Land to the north-west of the site is vacant (formerly occupied by an industrial building), whilst land to the south-east is used as a mixture of parking for residents and disused open land, bounded by a

¹ Gross site area

² With a fifth floor within the roof space

small watercourse to the east which joins the River Calder. A strip of open space including a path runs along the south-western boundary adjacent to the River Calder.

The site is located in a highly sustainable location within the urban area of Mirfield, and is within easy walking distance of the town centre (7 minutes), Mirfield railway station (3 minutes), Hopton Primary School (5 minutes), Crowlees J & I School (14 minutes), Castle Hall Academy Secondary School (20 minutes), as well as numerous other community facilities, services, and employment sites.

Relevant Planning History

2005/93375 - change of use, alterations and extensions convert existing mill into 119 apartments – granted

2008/93836 - conversion of part of mill to 4 apartments – granted

2009/90703 - conversion of part of mill to 2 apartments - granted

Local Plan allocations & designations

The site is unallocated in the Kirklees Local Plan. Other Local Plan designations covering parts, or all of the site, are as follows:

- River Calder - Kirklees Wildlife Habitat Network (off-site)
- Strategic Green Infrastructure Network
- Biodiversity Opportunity Zone – Flood Plain

The designated town centre of Mirfield lies 200m away to the north-east as the crow flies, whilst the designated local centre of Lower Hopton exists on Calder Road opposite the site.

Proposed Development

This application seeks outline planning permission³ for the following aspects of development:

- a) Residential development in one split level 4 / 6 floor building, comprising of 76 no. two bed⁴ duplex apartments, a small residents' gym, agile office working space, and a rooftop terrace with barbeque area, are also proposed within the building.
- b) 129 new car parking spaces (including 8 disabled spaces and 25 EV charging spaces), motorcycle and cycle spaces (the latter within secure covered brick constructed cycle shelter structures with mesh-welded entrances, and decorative tensile fabric sail roofs overhead).
- c) A new access from Back Station Road, for the overspill parking area to the north-west of the Phase I apartment block.
- d) Demolition of the former marital arts club building.

³ Access, layout, scale, and appearance are to be considered at this stage with landscaping a reserved matter.

⁴ One double / one single bedroom

- e) Formation of new soft landscaping areas throughout the site, with extensive tree, shrub and wildflower grassland.
- f) A central 'pocket park' with brick enclosed semi-circular seating areas and pedestrian / cycle links across the site, to include links with the existing riverside walkway.
- g) Communal timber-clad refuse and recycling stores, to include replacement facilities for the existing (Phase I) apartment block.

The apartment block would comprise three main sections connected by two glazed circulation cores with steps and lifts to the upper levels. As a result of the internal split level duplex arrangement, the apartment blocks will appear as four storeys to the front (car park side) and six storeys to the rear (riverside). The building would be constructed using: feature panel brickwork utilising 'London Stock' bricks to closely resemble the colour and texture of local gritstone; artificial roof slates such as Cembrit Jutland fibre cement (a good match for natural slate); and powder coated aluminium – colour RAL 7043 (Traffic grey).

A void is designed to allow water to pass through under the base of the ground floor of the building, as a flood resilient measure in the event of an extreme flood event.

The individual apartments would be accessed from two of the six floors (first and fourth) from which all apartments have entrance points with WC's and internal staircases either going up or down to the main apartment area, which would itself be designed as split level accommodation (see Typical Section and Unit Plans drawings).

Each apartment would be either 70.1 sq.m or 72.6 sq.m in size ⁵, including 2.0 sq.m of storage off the central corridors. Accommodation would extend over two floors and would include a utility room and W.C on the entrance floor, while two bedrooms, a bathroom and an open plan living/dining/kitchen room would be situated on the other floor. Each apartment is also proposed to have a glazed balcony (3.9 sq.m) which would be accessed via the open plan living space. All living areas would have their main aspect facing the River Calder, while bedroom accommodation would be positioned to the north-eastern side of the building, facing the landscaped parking areas towards Back Station Road.

A residents' gym, agile office working space, and a rooftop terrace with barbeque area are also proposed within the building - to the rear of the central building staircase.

It is proposed that the existing site access from Back Station Road would be used to access the development, while a new access would be formed from Back Station Road to the proposed overspill parking area to the north-east.

The existing car park contains 156 spaces. An additional 32 spaces are proposed to the front of the new apartments, and overall provision will include 8 disabled spaces and 25 spaces with EV charging points. An overflow car park is also proposed at the northern end of the site which would contain 51 spaces. This would result in the site providing a total of 239 spaces.

Motorcycle parking (12 spaces) covered cycle parking (76 spaces), visitor cycle parking (18 spaces) and a refuse recycle store are also proposed to the front of the new apartments in the central section of the site, which will also form a focal point for the complex as a 'pocket park'.

⁵ 70.1 sq.m versions on the ground and third floors (lower levels of each three floor system), while the 72.6 sq.m versions are on the second and fifth floors (upper levels of each three floor system)

Assessment of the Proposals

Principle of Development

The objectives of achieving sustainable development are outlined in Local Plan Policy LP1 and paragraphs 7 -14 on the NPPF. Paragraph 8 of the NPPF states that sustainable development is achieved through economic, social and environmental objectives that include,

‘ensuring that sufficient land of the right types is available in the right places at the right time to support growth; ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and protecting and enhancing our natural, built and historic environment including making effective use of land.’

As detailed further in the housing supply section below, Kirklees Council is currently unable to demonstrate a five year housing supply and therefore the presumption in favour of sustainable development is triggered.

NPPF Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means, “where there are no relevant development plan policies, all the policies which are most important for determining the application are out of date ⁶, granting permission unless:

- (i) the application of policies in this Framework that protected areas or assets of particular importance provides a clear reason for refusing the development; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In relation to (i) above, the only relevant ‘protection’ factor in this case would be flood risk, which is addressed through the Flood Risk Assessment accompanying this application. Subject to the issue of flood risk being acceptable, any other identified adverse impacts would need to be judged to significantly and demonstrably outweigh the benefits, in order to prevent planning permission being granted in this case.

Policy LP2 (Place Shaping) in the Local Plan states that,

‘development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places,’

With reference to the Statement on Place shaping for Dewsbury and Mirfield in this case, opportunities to support local rail services to other employment/leisure destinations, including:

- Mirfield station having the only direct rail service to London in the entire borough;
- the good motorway links to the M62;
- supporting the strong housing market in Mirfield;
- supporting the district and local centres of Mirfield / Lower Hopton, which provide a range of everyday shopping and service provision; and

⁶ This includes where a local planning authority cannot demonstrate a five year supply of deliverable housing sites, or where delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

- supporting brownfield opportunities from former industrial uses.

The site is in an excellent location close to existing local services and amenities, and close to the public transport network – in particular the rail station. This means that by locating development here, designated town/local centres and public transport services can be supported by new residents within easy walking distance.

Moreover, the location will enable realistic choices in connection with sustainable modes of transport – enabling residents to access a range of employment and community facilities (significant employment opportunities exist in the Mirfield area and the proposed development would therefore help supply local homes within easy - and sustainable - commuting distance).

Build to Rent Housing Models

Planning guidance on Build to rent ⁷ says that *as part of their plan making process, local planning authorities should use a local housing need assessment to take into account the need for a range of housing types and tenures in their area including provisions for those who wish to rent.*

The guidance goes on to advise: *If a need is identified, authorities should include a plan policy setting out their approach to promoting and accommodating build to rent. This should recognise the circumstances and locations where build to rent developments will be encouraged – for example as part of large sites and/or a town-centre regeneration area.*

As far as we are aware, although the Council's housing needs assessment assessed demand / need for rental properties, this did not translate into specific objectives within the Local Plan for either rental homes or Build to Rent developments. Nevertheless, it is important to acknowledge that providing homes for rent is a fundamental part of the modern housing market, helping to achieve the national planning objectives in terms of providing homes to meet people's needs and of a tenure of their choice. This is acknowledged at paragraph 4.26 of the Kirklees 2016 SHMA report, stating that the private rented sector has five key roles:

- *A traditional housing role for people who have lived in the private rented sector for many years;*
- *Easy access housing for the young and mobile;*
- *Providing accommodation tied to employment;*
- *A residual role for those who are unable to access owner occupation or social renting;*
- *An alternative to social rented housing (for instance those wanting to move to a different area but unable to do so through their social housing provider).*

The proposed Build to Rent scheme is also ideally situated on a large brownfield former industrial site, as encouraged by key Government planning policy and guidance.

.../cont.

⁷ Paragraph 001

Brownfield regeneration and use of under-utilised sites

The proposed development would be located on a site formerly used for industry and as such can be considered to constitute brownfield land. Both the NPPF ⁸ and the Local Plan ⁹ strongly support the regeneration and recycling of brownfield sites as a priority, in order to help support the overarching principles of sustainable development, which remain at the heart of Government planning policy. In particular NPPF paragraph 120 states:

*'Planning policies and decisions should: c) give **substantial weight** ¹⁰ to the value of using suitable brownfield land within settlements for homes and other identified needs.'*

In connection with this site being currently under-utilised, NPPF Paragraph 120 also *promotes and supports the development of underutilised land, especially if this would help to meet identified need for housing.*

Local Plan Policy LP3 (Location of new development) also states that, *development will be permitted where it supports the delivery of housing growth in a sustainable way and seeks to ensure that opportunities for development on brownfield (previously developed) sites are realised early in the plan...; as well as providing access to a range of transport choices and access to local services.*

The development of a high density scheme on this accessible and yet under-utilised brownfield site will fulfil the aforementioned planning policy objectives and will reduce pressure to develop Greenfield and / or Green Belt sites in future, which are also likely to be less accessible / sustainable).

Housing Supply

The proposed development on this brownfield site would provide 76 homes for the local area and wider borough. The site is also located adjacent to existing residential developments on both sides, making it an ideal and compatible site for housing.

Paragraph 60 in the NPPF states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.'*

Paragraph 68 also states that, *'Planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.'*

Paragraph 8.6 of the Local Plan states that *'the housing requirement is a minimum of 31,140 homes over the plan period from 2013-31 which will meet identified needs.'*

Unfortunately, the Council cannot currently demonstrate a five year supply of deliverable housing sites and therefore paragraph 11 of the NPPF is engaged as indicated above.

⁸ Paragraph 119 in the NPPF states that, *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.'*

⁹ LP 3 (Location of new development) also states the following: *'2) Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way, (which includes), c. ensuring that*

¹⁰ Our emphasis

As such, the delivery of larger windfall sites such as Phase II Ledgard Bridge Mills will contribute significantly to the projected windfall total, early in the Local Plan period. Furthermore, recent annual dwelling completion totals have been heavily reliant on windfall sites (e.g. 45% in the 2020/21 period).

Further to the above, Section 6.1 of the Local Plan outlines the Spatial Development Strategy for the borough. 400 homes are estimated to be needed over the plan period for the Mirfield area, and yet Local Plan allocations only add up to just over half this number. There is already some doubt over the delivery of some of these allocations within Mirfield, and across the adjacent housing market areas in Dewsbury for instance – please refer to the Flood Risk Sequential Assessment for further details, particularly in relation to the number of sites that neither have permission, nor are being actively marketed.

The site is owned by the applicant in this case and is therefore available and deliverable as a housing site. The applicant has a proven track record in delivering apartment led former industrial sites - e.g. Ledgard Bridge Mills Phase I and Blakeridge Mills in Batley. The NPPF places Build to Rent in a distinct (housing) asset class, and we are not aware of any other developer providing Build to Rent schemes in Kirklees.

In summarising the above sections, the principle of development in relation to brownfield regeneration and boosting housing supply is therefore considered to be acceptable, as it accords with the objectives set out in paragraph 8 and section 5 in the NPPF, and the requirements set out in policies LP1, LP2 and LP3 in the Local Plan.

In particular, the absence of a five year housing land supply within Kirklees is a significant material consideration in favour of this proposed development, triggering of the presumption in favour of sustainable development through NPPF paragraph 11 (d).

Housing mix

Local Plan Policy LP11 (Housing Mix and Affordable Housing) states that, *'All proposals for housing will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.'*

The proposed development is for 76 dwellings comprising of two bedroomed (1 double / 1 single) properties. This contrasts with Phase I whereas all but 19 of the 125 apartments were one bedroomed. Phase II will therefore provide a complimentary range of accommodation suitable for couples and small families, thereby fulfilling need that is not generally possible to accommodate in Phase 1 (noting also that the applicants remain involved with Phase I and report high, unfulfillable demand for two bed apartments).

The site is next to the rail station and therefore the development of two bed apartments aims to attract young couples, executive occupiers and growing families who may work in Leeds or Manchester (or London with its direct train links). The site therefore needs to be convenient to walk to the station. Rents would also be more affordable in this location compared with Leeds or Manchester for this type of residential development. There is also evidence of significant rental demand ¹¹ from growing families in Mirfield, and again, this development would provide a more affordable category of housing, enabling young and growing families to remain in, or move to, the area.

¹¹ According to local estate agents

The Kirklees 2016 SHMA report confirms:

- Table 4.11 (page 69) states that current housing stock with regard to two bed apartments does not meet market aspirations / expectations.
- Table 7.10 (page 101) confirms that 21.8% of newly formed households consisted of flats in the five years prior to the report.
- Table 7.1 (page 96) predicts there will be significant percentage increases in household change demand for single adults and older couples, emphasising the need for smaller house types.
- Table F5 (page 182) confirms that the overall housing need per annum for flats / apartments is 209 / 1730 (12.1%).

The proposed development would be a 'Build to Rent' housing scheme and this will help fulfil housing needs for different groups in the communities in terms of size, type and tenure of housing, in accordance with NPPF paragraph 62 and Local Plan Policy LP11.

Paragraph 8.32 of the Local Plan acknowledges the need to provide a mix of homes to allow people to access the housing ladder, together with a range of housing tenures and sizes.

The extracts from the SHMA report above also confirms greater need to accommodate smaller households going forward, as well as the need for flats / apartments, in particular two bed flats / apartments.

It is noted that the overwhelming majority of developments coming forward following the adoption of the Local Plan are for non-flat / apartment housing at present, as they are typically volume housebuilder developments of standard family housing.

It is considered that in combination with Ledgard Bridge Mills Phase I, this is a good and mutually complementary housing mix which would help to meet the requirement and need for two bed properties within Kirklees – a type of development not typically offered by volume housebuilders on housing development sites.

Density

Policy LP7 (efficient and effective use of land and buildings) encourages the efficient use of previously developed land in sustainable locations; that priority is to be given to despoiled/contaminated land; and with reference to Ledgard Bridge Phase 1, "will allow access for adjoining undeveloped land so it may subsequently be developed." NPPF paragraph 69 (d) "also encourages local planning authorities to work with developers to encourage the subdivision of large sites where this could help to speed up the delivery of homes." Policy LP7 also calls for higher densities in town centres and areas close to public transport interchanges, which this proposed development would successfully achieve.

In terms of the net developable area ¹², the 76 dwellings proposed easily exceeds the minimum target of 35 dwellings per hectare at 90 dph, and indeed achieves the "higher densities" sought in areas close to public transport interchanges, in accordance with Local Plan Policy LP7, and Principle 4 of the Kirklees Housebuilders Design Guide SPD.

¹² 0.84 hectares excluding Ledgard Bridge Mills Phase 1 apartment block, existing parking and peripheral landscaped areas.

Design and Visual Amenity

Local Plan Policy LP24 states that, 'Proposals should promote good design by ensuring: a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.'

The Kirklees Housebuilders Design Guide SPD also sets out what the Council considers to be good, high-quality residential design through a number of principles. The relevant principles in relation to this scheme in terms of design and visual amenity are as follows:

Principle 2 – Context

Principle 13 – Materials and detailing

Principle 14 – Windows and doors

Principle 15 – Rooflines

Comments made by the LPA in relation to design and visual amenity in the pre-application were received. The points raised are addressed below with regards to the current proposals:

The overall length of the building has been reduced from 118m to 110m, and although it is considered there is no logical design reason why any new building on this site would need to be lower or subservient to the original mill building, the proposed building would nonetheless sit slightly lower by 0.7m (Ledgard Bridge Mill is 21.5m high) at ridge and eaves levels, and would be narrower in width / depth by over 3 metres.

It is considered necessary for the building's height and massing to be able to respond to the robust architectural language of the original mill building, by matching it in height, and allowing sufficient space to create an internal parking court, landscaping etc. Lowering the height of the building would be judged to weaken the intended sense of enclosure, allowing the space to 'leak' towards the river.

A summary of the design rationale is as follows: ¹³

The proposed residential scheme at Ledgard Bridge Mill is inspired by the existing buildings taking reference from both the original 19th century stone building and the later 20th century terracotta rainscreen clad building..... the scheme envisages a linear block broken into three elements with glazed circulation cores with links to a landscaped hub within the car park. Vertical circulation only rises to fourth floor level so the skyline is broken at each core reducing the mass of the scheme. Common spaces are attached to the core areas with marketing space accessible at ground floor with office space above and a gym space split over two levels all with glazed elevations to the river. Above both blocks of circulation accommodation a rooftop terrace is proposed to offer residents external recreational space. The two gables feature similar escape stairs which follow the same architectural language as the core.

Externally the accommodation blocks are clad steel framed structures with openings reflecting the triptych nature of the boathouse fenestration and windows of the original mill - paired doors/ windows sit alongside a feature panel with recessed courses to add shadow and relief. The framed nature of the design is further reinforced by jointing with simple stretcher bonding to field areas/ pilasters contrasted with vertical jointing to beams. Gable elevations repeat the same rationale although on a single plane.

¹³ Design and Access Statement Page 5

....The resulting elevational treatment with a considered balance between solid and void places emphasis on the texture of the walling material and although extensive research was undertaken exploring natural stone finishes the neighbouring new housing development provided a constant reminder of the potential blandness of split faced modern stone. The requirement for a Warranty scheme precluded the use of salvaged material and as the scheme developed the need for a small format walling product to allow detail to be added at different scales inevitably lead to brickwork.

Although brickwork surrounds the site - with the retaining wall to the railway and river, industrial units to Hopton New Road and housing to Calder Road - it is exclusively a red brick which was considered inappropriate for the new building against the yellow of the Terracotta cladding. Research identified London Stock as a fitting accompaniment to stone exhibited by brickwork within Kings Cross and a local brick agent has provided suitable alternatives which are available on site to view.

The remaining design elements/features largely remain unchanged from the pre-application stage. The internal split-level design and the inclusion of setback/lower glazed connecting corridors for instance have been retained, as these were viewed as positive design features.

The building would be constructed using:

- feature panel brickwork utilising 'London Stock' bricks to closely resemble the colour and texture of local gritstone;
- artificial roof slates such as Cembrit Jutland fibre cement, which is a good match for natural slate; and
- powder coated aluminium – colour RAL 7043 (Traffic grey).

The brick is laid in a variety of bonds to add interest to the elevations, particularly when viewed from short range. Standard brickwork is laid in stretcher bond where the bricks stagger by a half across each course. To add further interest, there are panels of brickwork where alternating courses project forward to create a shadow line. These are within a frame created by horizontal stretcher bond brickwork (columns) and vertical soldier course brickwork (beams). The gable elevations also feature these contrasting bonds to break down large areas.

The inclusion of the south facing balconies are considered to be appropriate design elements overlooking the River Calder. These balconies would complement the Phase I development and would also provide residents with a degree of private outdoor amenity space.

A full design rationale for the proposed development can be found in the accompanying Design and Access Statement by JG Design. This details the rationale for the scale, layout, design, materials, and indicative landscaping.

It is therefore considered that the proposed development represents good, cohesive design which will result in: a '*better place to live*'¹⁴; will be visually attractive as a result of '*good architecture, layout and appropriate and effective landscaping*'¹⁵; and will be '*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or*

¹⁴ NPPF paragraph 124

¹⁵ NPPF paragraph 127 (b)

*discouraging appropriate innovation or change (such as increased densities).*¹⁶ The proposals are also considered to comply with the relevant principles of the Housebuilders Design Guide SPD.

Heritage

The site is not in a Conservation Area and does not contain any listed buildings.

There are three listed buildings/structures within the potential sphere of influence of the site: the railway bridge to the north-west of the site over the River Calder (Grade II); the road bridge (Back Station Road) just north of the site (Grade II), and the Hopton Congregational Church (Grade II*) to the south of the site.

None of these buildings / structures are considered to be harmed in terms of setting as a result of the proposed development:

- a) Hopton Congregational Church and the majority of its grounds are some distance away and would have no intervisibility with the site, given intervening housing development on Calder Road and Hirst Street.
- b) The extensive proposed landscaped open space at the north-western end of the proposal site, to replace vacant hardstanding land, would improve the setting of both the railway and road bridges to the north-west of the site, and there would be no intervisibility between the proposed apartment building and these structures in any case.

These proposals are therefore considered to comply with Local Plan Policy LP35 and Section 16 of the NPPF.¹⁷

Landscaping and Open Space

Local Plan policy LP63 (New open space) states the following:

'New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the Council's local open space standards or national standards where relevant.'

Principle 7 of the Kirklees Housebuilders Design Guide SPD seeks for developments to retain existing trees and habitats within sites; incorporate trees in streets and open spaces; and locating open space at the heart of the site, designed to help create identity.

The proposals include the following:

- 1) A revised indicative soft landscape plan for the whole site, to include proposed new trees (including heavy standards), shrub planting, native hedge planting, ornamental shrub planting, and wildflower grassland.
- 2) Two new areas of public open space:

¹⁶ NPPF paragraph 127 (c)

¹⁷ Conserving and enhancing the historic environment

- a) a large informal area at the north-western end of the site to be planted with new trees, hedgerows and wildflowers (1,565 sq.m); and
- b) a Landscape Hub (or 'Pocket Park') at the centre of the site (705 sq.m), comprising seating areas, soft landscaping, and footpaths/cycle ways to create a radius of routes within the site and to exit / entry points.

This provides a total new public open space provision of 2,270 sq.m.

This open space has been carefully thought out in connection with the aforementioned policy objectives, particularly in connection with ensuring the Hub 'Pocket Park' is centrally located and has been designed to form a focal point, helping to create identity within the development.

The proposed plans demonstrates that only three trees would require removal in order to facilitate the development with the majority of existing trees able to be retained. New tree and shrub planting is envisioned throughout the development and is also shown indicatively on the plan. An area of wildflower grassland bordered by a mixed species native hedge is also anticipated to be planted at the northern end of the application site. Indicative details of the planting schedule and specifications can also be found on the Landscape Plan.

The other main aim of the proposed landscaping is to achieve on site biodiversity net gain (see further below).

Finally, the LPA raised the matter of the previous Section 106 agreement in connection with the Phase I application (reference 2005/93375) and the potential for the new development to impinge on the previously agreed area of public open space. There is a very slight impingement on the previously agreed area of open space and so as part of the Section 106 agreement for this development, it is proposed to vary the previous Section 106 agreement relating to Phase I.

The development is therefore considered to accord with local plan policy LP63 and Principle 7 of the Kirklees Housebuilders Design Guide SPD.

Residential Amenity

Paragraph 130 in the NPPF and Local Plan policy LP24 both stress the importance of ensuring that development proposals provide a high standard of amenity for both existing and future occupants. Principle 6 of the Housebuilders Design Guide SPD echoes these policies.

Comments were made by the LPA in relation to residential amenity in its pre-application enquiry response. The revised plans respond to these points as follows.

The separation distance between the north-west gable end of the proposed building and the south-east elevation of the original Ledgard Bridge Mill has been increased from 12m to 15m. No windows are proposed on the gable end and the glazed staircase would only be used during emergencies. As a result, it is considered that the siting of the apartment building would not result in any harm to privacy by virtue of close overlooking, in accordance with the recommended separation distances set out in the Housebuilders SPD.

Given the relatively narrow width of the new apartment block, its perpendicular angle, and its increased separation distance from the Phase 1 building, it is not considered that the proposed

development would have any significant detrimental impact on levels of natural light received, nor would it create an oppressive outlook for existing residents.

The existing dwellings on South Brook Gardens would be between 29 metres and 105 metres away from the proposed apartment building and as such, it is considered that the residential amenity for occupants of those dwellings would not be unduly harmed by the proposed development.

Residents of the proposed apartments would enjoy a considerable amount of natural light and a good outlook at the front and rear of the building. All habitable rooms would have an external window. Internally, the apartments would measure either 70.1 sq.m or 72.6 sq. m excluding balconies with 2 sq.m of storage. This complies with the internal space standards stated in Principle 16 of the Housebuilders Design Guide SPD - specifically Table 1 relating to 2 bed, three person two-storey dwellings. Each apartment also includes an outdoor balcony which allows each future occupants to have a functional and proportionate degree of outdoor amenity space in accordance with Principle 17 in the SPD.

Furthermore, the development includes a small residents' gym, a residents' balcony with barbeque area, and a riverside walkway. The riverside walkway would connect to a defined route from the site entrance and at the northern end of the walk, it would pass by an area intended for habitat enhancement. These additional features would enhance the residential amenity, in terms of health and well-being, for future occupants of the apartments.

The LPA also raised concerns about the pre-application scheme in relation to internal bedrooms without windows, however these have now been redesigned so that all habitable rooms including bedrooms have a dedicated window on an external wall.

The development is therefore considered to comply with Local Plan policy LP 24 and Principle's 6, 16 and 17 of the Kirklees Housebuilders Design Guide SPD.

Highway Matters

A Transport Assessment and Travel Plan - produced by Bryan G Hall Consulting Civil & Transportation Planning Engineers – accompany this application.

Following the pre-application process, a number of additional surveys were undertaken, and significant changes to the proposed layout were made, in order to address comments raised by Kirklees Highways Development Management (Highways DM).

The key issues have been addressed as follows:

Site Access - In order to confirm the prevailing speeds on the approach to the proposed access junction on Back Station Road (at the request of Highways DM), a 1 week ATC (Automatic Traffic Count) Survey was undertaken between Monday 28th November and Sunday 4th December 2022. The results showed 85th percentile wet weather speeds of 25.5mph in the eastbound direction, and 26.0mph in the westbound direction. This equates to a required visibility provision of 34.2 metres to the west and 35.2 metres to the east.

The plan in Appendix 3 of the Transport Statement shows that visibility to the west can be provided to the required 34.2 metres. Visibility to the east for the required 35.3 metres is shown to be unobstructed to a point 1.0 metres from the edge of the carriageway when measured from the front

of the low stone boundary wall. Drivers can however see over the wall at a set-back of 2.4 metres to a distance of 47.2 metres to the nearside kerblines.

Road Safety in the vicinity - An up-to-date analysis of Personal Injury Collision (PIC) Records in the vicinity of the site has been undertaken as part of the Transport Assessment.

In summary, the rate of PIC's experienced is an average (of the total PICs occurring) of three per annum over the study period, and given the number of junctions considered as well as listed causation factors, there are not considered to be any road safety concerns that are likely to be exacerbated by the development. Moreover, there are no recurring patterns, or readily identifiable geometric road characteristics which are judged to adversely impact upon road safety.

Traffic generation & distribution - to determine vehicle trip rates for the proposed development, surveyed traffic data for the existing Ledgard Bridge Mills development is available and it is considered appropriate to use this data given it represents a relevant local trip rate. Traffic surveys were undertaken at the Ledgard Wharf / Back Station Road junction, as well as a number of other junctions in the local areas, on Thursday 5th October 2017 between the hours of 7:00am - 10:00am and 3:00pm - 7:00pm. These surveys were undertaken to determine the typical weekday usage of the local highway network, the extent of which was agreed with highway officers at KC as part of historic discussions.

Table 6.4 of the TA shows that the proposed 76 2-bed apartments (152 bedrooms) are expected to generate some 31 vehicle trips during the morning peak period and some 44 vehicle trips during the evening peak period. This results in an additional vehicle on the network every 1 to 2 minutes.

Background traffic growth rates together with existing committed developments in the area have been taken into account, with regard to impacts on key local junctions. However, the results of the TA confirm that operations of the (1) Ledgard Bridge Wharf / Back Station Road, (2) Back Station Road / Newgate, and (3) Back Station Road / Station Road / Hopton New Road junctions will see no additional queuing as a result of the proposed development, and with no material impacts.

Finally, with regard to the sub-standard visibility cited by Highways DM at the Back Station Road / Station Road / Hopton New Road junction, the low PIC record demonstrates that the junction operates safely now. This, together with the 13 and 19 additional vehicle trips during the weekday morning and evening peak periods respectively generated by the proposed development, would not materially impact upon the continued safe operation of the junction.

Parking matters on Calder Road – With reference to the diagram at Appendix BGH18 in the TA, the development will result in an additional two vehicle trips along Calder Road in the morning peak period, and an additional three vehicle trips in the evening peak period. This results in one additional vehicle along this link every 30 and 20 minutes respectively. This is also a 0.3% and 0.4% impact respectively compared to the number of vehicles currently using this link. Therefore notwithstanding any existing parking issues along Calder Road cited by Kirklees Highways DM, it is clear that the additional vehicles generated by the development will have no material impact on this.

Overspill Area Access - The overflow car park will be accessed from a new dropped kerb access arrangement with Back Station Road, located 80 metres to the west of the existing site access and 45 metres to the east of the Back Station Road / Newgate junction (as requested a minimum of 25 metres away). The other existing informal access closer to the junction will be permanently closed/removed.

Pedestrian and cycle access and parking - In response to pre-application comments, the layout of the development has been significantly altered. Footways will be provided alongside the new building and connecting into existing footways throughout the site. Crossing points are provided in the car park where required to provide more safety for pedestrians. All footway / cycleway links provide a route to the wider highway network via Back Station Road or the Riverside Walkway as an alternative to avoid the main site access – emerging at the northern end of Back Station Road. Covered, secure cycle parking is provided within the central hub, with cycle / pedestrian access then provided to / from the apartment block, and into the car park aisles in all directions, aiding convenience and safety.

Parking for all modes of transport - At the pre-application stage, Highways DM requested parking surveys at the site during peak periods (e.g. evenings and weekends), to determine existing parking demand and future parking requirements, taking into consideration the likely additional demand from the 2 bed apartments. The surveys were requested to consider demand from the allocated and non-allocated spaces separately, as Highways DM were of the opinion this would have a bearing on the necessary provision.

In response, Car Park Accumulation Surveys were carried out on Tuesday 18th April 2023 and Saturday 22nd April 2023. On Tuesday 18th April, there was a maximum accumulation in the courtyard car park of 89 spaces (57%) occurring at 10pm. On Saturday 22nd April 2023, there was a maximum accumulation of 82 vehicles (52%), again occurring at 10pm.

The existing apartments include a total of 144 beds. The maximum vehicle demand of 89 vehicles equates to a parking demand of 0.62 spaces per bedroom. The proposed scheme includes a total of 152 beds making a total number of bedrooms of 296, although it should be noted that the apartments comprise one double and one single bedroom each.

Applying the parking demand of 0.62 spaces per bedroom results in a demand of 184 parking spaces. 188 spaces are proposed in the courtyard car park (a net increase of 32 over the existing provision of 156 spaces) with 51 spaces proposed in the overflow car park.

The proposed parking provision of a total of 239 spaces for the existing and proposed development is therefore considered to be acceptable. The TA states:

Experience at Ledgard Bridge Mills and other similar Binks apartment developments in Kirklees and Calderdale is that the proposed level of provision will be adequate to cater for the likely parking demand. The results of the further car parking surveys ... clearly demonstrate the level of proposed car parking is appropriate and reflects the fact the site is situated in a highly sustainable location, being located very close to Mirfield town centre, Mirfield railway station and a range of local facilities.

The proposed development layout will also include the following:

- 8 designated disabled parking spaces.
- 76 covered cycle parking spaces (1 per apartment)
- 12 motorcycle parking spaces.
- 25 spaces with EV charging points (none currently exist).
- Drop-off bays adjacent to the apartment building for deliveries etc.

Servicing and Waste Collection

Delivery and refuse collection vehicles will be able to access the development via the existing site access. The proposed bin store is located towards the southern end of the courtyard car park and

vehicles will be able to drive through the site to reach this point in a forward gear, before then continuing via a loop arrangement and egressing the site in a forward gear. Swept paths are provided in the accompany Transport Statement.

The bin store is located less than 30 metres away from the building entrances in the central hub area. Replacement refuse bin stores are also proposed for the existing development and these will be located to the south of Ledgard Bridge Mill, also under 30 metres away from the building entrances.

Other information requested

Swept path analysis is provided within the Transport Assessment at Appendix BGH 15

Although a Stage 1 Road Safety Audit for any S278 & S38 works, and Designers Response were requested, it is proposed to delay the production of these reports pending agreement on the layout and relevant highway details, during the course of the planning application.

Summary in relation to highway-related planning policies

The Transport Assessment and accompanying surveys, information and plans demonstrate: the two access points would be safe; and sufficient parking and turning facilities for all modes of transport would be provided.

NPPF paragraph 109 states: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

It is therefore considered that the 76 dwellings proposed would not create issues representing an *'unacceptable impact'* on highway safety, or that any cumulative impacts of the additional traffic from the residential development would be *'severe'*.

The proposals are therefore considered to comply with relevant NPPF policies Local Plan Policies LP21 (Highways and Access), LP22 (parking), LP 24 (Design [waste, disabled parking]), the Kirklees Highways Design Guide SPD, and the Housebuilders Design Guide SPD.

Accessibility and sustainable modes of travel

The site positioned in a highly accessible and sustainable location, and a Travel Plan accompanies this application (B G Hall).

The development is within easy walking / cycling distance of Mirfield town centre and Lower Hopton local centre, providing day to day shopping and service requirement for prospective residents. Mirfield is a Category 2 (second highest) town centre in the Local Plan shopping centre hierarchy, meaning it provides significant local shopping, service and cultural facilities.¹⁸

The proposed development will help maintain the vitality and viability of both centres and support their role as the focus for shopping, commercial, cultural and social activity, in accordance with local and national planning policy.

¹⁸ Local Plan Policy LP13

Walking times include: Mirfield town centre (7 minutes), Mirfield railway station (3 minutes), Hopton Primary School (5 minutes), Crowlees J & I School (14 minutes), and Castle Hall Academy Secondary School (20 minutes).

The link the rail station is particularly important, with direct trains to Huddersfield, Leeds and Manchester. Mirfield is the only station in Kirklees with direct train services to London. Furthermore, the Transpennine Route Upgrade (TRU) is a multi-billion-pound, long-term railway infrastructure programme that will improve connectivity in the north of England. Within Mirfield and along the Huddersfield to Dewsbury section, this will involve doubling the number of tracks from two to four, electrifying the railway and improvements to Huddersfield, Deighton, Mirfield and Ravensthorpe railway stations. Overall, this will greatly improve rail services for future residents at the site.

The Local Plan 'core walking and cycling network' runs along Back Station Road and Policy LP23 seeks to integrate the system of cycle routes, footpaths and bridleways in order to provide an opportunity for alternative sustainable means of travel throughout the district and providing efficient links to urban centres - helping to reduce number of car journeys and to link settlements, employment sites and transport hubs.

Locating the development adjacent to Mirfield town centre, excellent public transport links and the core walking / cycling network, will not only encourage the use of sustainable transport modes, but will also reduce the overall need for residents to travel.

The nearest bus stops are located on Calder Road on both sides of the carriageway, approximately 280 metres walking distance from the site access to the south-west. These bus stops are served by bus service number 261. Further bus stops can be found on A644 Huddersfield Road, approximately 500 metres walking distance to the north of the site. These bus stops are served by bus service numbers 203 and 205. The 203 route is a half-hourly service, while the others are hourly.

The site is therefore considered to be well connected via public transport and is located within 60 minutes of the centres of Huddersfield, Bradford, Halifax and Dewsbury by bus. There is therefore potential for residents of the apartments to make trips for all purposes to these destinations by bus.

The proposed development is also close to open countryside, providing good recreational access to the local rights of way network.

Alterations have been made to the plans in response to the LPA's pre-application comments regarding proposed cycle storage. Covered and secure cycle storage buildings are now proposed within the curtilage of the proposed car parking area within the central hub, with 76 secure spaces for residents and 18 cycle spaces for visitors.

As detailed above, the proposed layout has also been amended to encourage safe and easy access for pedestrians and cyclists within the development, and to / from the site in connection with the surrounding environment.

In accordance with LP Policy LP24 d (v), a reasonable number of electric charging points will also be provided 25), to encourage the use of electric and low emission vehicles.

With reference to the Travel Plan, the following measures are proposed in summary:

- a) A Travel Plan Co-ordinator (TPC) will be responsible for the overall management and implementation of the TP including the measures contained in this report, future monitoring and review. The TPC will be in place for a minimum of five years.
- b) A series of leaflets to summarise site specific sustainable travel options will be provided to existing and new residents as part of the Travel Information Pack.
- c) Advice on personal safety will be provided on request, for those wishing to walk but who are concerned about personal safety.
- d) Trial public transport tickets will be made available via the residents' travel packs. Residents will be offered a trial public transport ticket which is most appropriate for their journey to work (to demonstrate on a no-cost basis how easy it is to utilise public transport for work and leisure journeys).
- e) A letter will be sent to all new residents within one month of occupation to offer each property personalised travel planning with the TPC.
- f) Current public transport timetables and fare information will be assembled, maintained, and made readily available to residents.
- g) Residents will be encouraged to walk to public transport, nearby amenities and schools.
- h) Residents living in reasonable proximity to their work place, school or other leisure destination will be encouraged to cycle.
- i) Car sharing initiatives will be brought to the attention of residents with a view to reducing single occupancy car trips.
- j) The TPC will investigate the possibility of providing a car club space within the car park, for future and existing residents on the site to take advantage of.
- k) Annual targets for the percentages of trips by each mode of travel will be set.
- l) The effectiveness of the TP will be monitored on an annual basis, and usage of the different modes of travel to the modal split targets identified (as set out in the TP at Section 5) will be compared. For example, a target of a 10% reduction in single occupancy vehicle trips will be set over a 5-year period.

Overall, the proposals would provide significant recreational and health benefits to future occupiers of the development in this location, as well as helping to reduce carbon emissions through the more likely use of non-car transport modes, and reducing the overall need to travel.

The proposals are considered to comply with both national (NPPF Chapter 9¹⁹), Local Plan policy LP20 (Sustainable Travel), and Principles 10 & 11 of the Kirklees Housebuilders Design Guide SPD.

Flood Risk

The development is situated in Flood Zones 2 and 3a on Map W (Mirfield) of the Kirklees Strategic Flood Risk Assessment. Part of the site also falls within a flood storage area according to EA flood maps (clarified to be not the same as Zone 3B – see below).

A Flood Risk Assessment (FRA) has been undertaken by EWE Associates Ltd and accompanies this application.

Notwithstanding the latter 'flood storage' designation, the Environment Agency were concerned that their own river modelling may not be entirely reliable (see comments below regarding the unknown reasons and history for the flood plain designation) and as such, the applicant was requested in a letter dated March 2018 to undertake its own detailed modelling of the River Calder for this specific

¹⁹ Promoting sustainable transport

development, and also to run flood volume compensation scenarios to ensure there was no increase in flooding.

JBA Consulting Ltd. (who undertook the Council's Strategic Flood Risk Assessment) were engaged to undertake this modelling²⁰, and this was completed in July 2018. Various correspondence with the EA then occurred and significant delays were experienced, particularly after the Covid Pandemic started.

The following references to EA correspondence can be viewed in the appendices to the FRA.

The EA confirmed in an e-mail dated 18th January 2021: *As our assets team have confirmed that this area is not a 'controlled' flood storage area, we have asked if it can be removed from the Flood Map for Planning.*

The EA subsequently confirmed on their e-mail dated 21st May 2021:

*Flood Storage Area means (*Please note this is under review*) - Those areas that act as a balancing reservoir, storage basin or balancing pond. Their purpose is to attenuate an incoming flood peak to a flow level that can be accepted by the downstream channel. It may also delay the timing of a flood peak so that its volume is discharged over a longer time interval. **This is different to Flood Zone 3b.***

A further e-mail from the EA on 23rd July 2021 confirmed, importantly:

With regards to using the SFRA versus our Flood Map for Planning – I would advise that you use the most up to date information. The SFRA is dated July 2016, and our Calder and Canals Model was published in 2015. It might be that the SFRA used our Calder model as a starting point and expanded on it. I note that the SFRA 3b area is different to the FSA (as we've already established). The 3b area does cover part of the FSA outline but not all of it, and it stops short of the area that you're interested in.

The proposals do not extend beyond Zone's 2 and 3a on the SFRA maps and hence the EA have confirmed they would rely on the SFRA maps in this case, together with the up-to-date river modelling undertaken by JBA, which crucially post-dates any modelling work undertaken by the EA or Council of course.

The EA then confirmed in their letter to EWE Associates Ltd²¹ dated 2nd September 2021 that they are:

We are unable to agree to remove the flood storage area from our maps at this time, although unable to determine the reason behind the designation of this area of land as a flood storage area, due to the length of time that has passed since its designation (which we believe might be possibly sometime around the 1980s). We can, however, confirm that this area does not contain any environment agency assets, nor is it a storage area within which we manage water levels.

The letter goes on to acknowledge that the more recent Kirklees Strategic Flood Risk Assessment does not show this site as being within a floodplain and advises that providing all development avoids flood Zone 3ai (shown as a thin strip along the riverbank and which the development will avoid), **support could be considered for the development** subject to addressing the usual issues of the sequential test, flood risk mitigation, and compensatory flood storage.

²⁰ At very considerable cost to the applicant

²¹ Flood Risk Assessment Appendix J

The EA also state at the bottom of Page 2 of the letter:

We acknowledge that the detailed model was submitted to it in April 2019 which we reviewed and concluded in October 2019 that it was considered appropriate for its intended purpose to support an application for development on the site, having taken into account climate change allowances and shows the development can be located outside the 20 year flood outline.

The Flood Risk Assessment has been undertaken on the basis of the above advice from the EA and confirms that the development can be made safe for its lifetime without increasing flood risk elsewhere, in accordance with the objectives of Paragraph 159 of the NPPF.

In terms of mitigation measures proposed:

- To minimise their impact on flood depths, the proposed building will be built on a void/on stilts. The soffit of the void should be set to a minimum elevation of between 45.32 (to the south) and 45.36m AOD (to the north), i.e. 300mm above the 100-year with (30%) climate change water levels. A planning condition or legal obligation would be needed to ensure the void is kept clear in perpetuity and maintained. This can form part of the management plan for the overall site.
- The southern building block falls outside of the River Calder's 100-year with (+30%) climate change floodplain. As this building block will have not impact on flood depths during the most frequent flood events (i.e. flood events lower than 100-year with (+30%) climate change), this block does not need to be built on a void / raised on stilts.
- A comprehensive flood warning system will be implemented as part of the development.
- In terms of flood volume compensation, the JBA modelling report is provided at Appendix I of the FRA and concludes that the proposed building will have an insignificant impact on local flood levels and flood flow routes.

The proposed development is therefore considered to comply with flood risk planning policy and guidance, and passes the sequential test (see below), thereby complying with the planning policy objectives of Local Plan Policy LP27 and NPPF paragraph's 162 and 164.

Flood Risk Sequential / Exceptions Tests

A Flood Risk Sequential and Exceptions Test Assessment (FRSETA) has been produced in accordance with the requirements of NPPF paragraph 162 and Local Plan Policy LP27.

Local Plan Policy LP27 states that the whole of the Kirklees District should be the starting point for the sequential assessment, with applicants required to provide justification where a smaller area of search is proposed.

As the site is located in Flood Zone's 2 and 3, a Sequential Assessment is required to determine if there are any reasonably available sites for the development within Flood Zones' 1 & 2. The Sequential Assessment has been structured in accordance with guidance from the Council's Strategic Flood Risk Assessment.

A catchment search area centred around Mirfield area was considered to be justified in this case, as defined in Kirklees Council Strategic Housing Land Availability Assessment (SHLAA) 2014, and relating to specific aspects of this development as set out at Pages 2 to 3 of the FRSETA.

However, the Council disagreed this was appropriate and referred to the Dewsbury and Mirfield housing area as a whole, as per the Kirklees Strategic Housing Market Assessment (SHMA).

The applicant does not agree with the Council in this regard, however they are content to proceed with the wider catchment area suggested by the Council on a without prejudice basis, as set out in subsequent sections of the FRSETA.

The Council requested that the following sites were assessed as part of the sequential search:

- Local Plan Allocations
- Approved and Expired Windfall Sites
- Unidentified Windfall Sites

The proposed development requires a minimum site area of 0.84ha as per the reduced red line plan set out at Page 6 of the FRSETA (and which excludes the existing parking area and incidental peripheral landscaped areas) but includes core landscaping areas, the building, parking, and circulation space. As such, any sites with available land smaller than this are not deemed to be generally suitable for the proposed development.

The full details of the sites assessed and discounted is contained within the FRSETA and appendices. In summary, it is considered that within the search area around Dewsbury and Mirfield, there appear to be no *reasonably available* sites for the proposed development.

It is therefore considered that the sequential test is passed in accordance with national planning policy and guidance.

An Exceptions Test Assessment is also required because the development is classified as 'more vulnerable' under Paragraph 066, Table 2 of the Planning Practice Guidance (Flood Risk and Coastal Change) and is partially in Flood Zone 3.

The Exceptions Test Assessment outlines the wider sustainability benefits to the community and the FRA confirms that the development will be safe for its lifetime.

The Exceptions Test is therefore considered to be passed in compliance with complying with the planning policy objectives of Local Plan Policy LP27 and NPPF Paragraph's 162 and 164.

Drainage

The Flood Risk Assessment by EWE Associates Ltd addresses the issue of foul and surface water drainage.

Foul sewerage will be discharged via the existing public sewer network.

Following the proposed development, the post-development impermeable area will be 5,174m². It is considered that the site currently discharges runoff via a combination of infiltration, evaporation and overland flow to the River Calder.

The proposal is to provide a hydro-brake to restrict flows from the site. The hydro-brake will reduce the runoff from the development site during higher return periods, hence, there will be a significant reduction in runoff, and as such the development will provide significant betterment in terms of runoff being passed forward from the site into the River Calder

Surface water can be drained permeable paving on parking spaces discharging to crate tanks, and a compensatory storage volume of 297 cubic metres is estimated to be required during the 1 in 100 year plus climate change (40%) event.

Subject to appropriately worded planning conditions to agree further details, the proposals are therefore considered to comply with Local Plan Policy LP28.

Biodiversity

An Ecological Impact Assessment including Emergence Bat Survey and Biodiversity Net Gain Assessment has been undertaken by Quants Environmental Ltd. The main findings are summarised below.

The development will result in the loss of small areas of grassland, scrub, and three dead / decaying trees, along with urban habitats including the former karate building on the site.

The proposed development is not predicted to result in any significant effects on protected sites and none of the habitats at the site are assessed as being of value at greater than the site level. No further species surveys are required:

- Given the small scale of the areas affected, the impact on breeding birds, foraging bats, and hedgehogs is predicted to be non-significant at the site level.
- In the absence of mitigation, increased disturbance during the construction and operational phases of the development (lighting, noise and human activities) could adversely affect bats and Otter, if present along the River Calder and the southern minor watercourse at the site margins.

In terms of proposed mitigation measures:

- Fencing will be used to protect retained Biodiversity Protection Zones at the site margins, i.e. areas of retained woodland, watercourse and scrub habitats.
- An Invasive Weeds Management Plan will be prepared and implemented in order to prevent the inadvertent spread of Japanese Knotweed and Himalayan Balsam within and beyond the site.
- Any works affecting potential bird nesting habitat will be undertaken outside the main bird nesting period of 1st March to 31st August where possible (or a nesting bird check must be undertaken by a suitably qualified ecologist no more than 48 hours prior to the start of such works).
- Due to the potential presence of Kingfisher (specially protected from disturbance whilst nesting via Schedule 1 and Section 1 of the Wildlife and Countryside Act 1981 as amended), prior to any potentially disturbing construction activities during March to August inclusive, an

update checking survey for Kingfisher will be undertaken. If necessary, an appropriate exclusion zone will be implemented, to avoid disturbance of this species whilst nesting.

- Although no evidence of bat roosts has been identified at the site, there remains a possibility that bats may roost in the building (to be demolished) at the site in the future. Therefore, the roof will be dismantled using hand-tools and under the direct supervision of a Natural England bat licence holder. In the unlikely event that a bat roost is found to be present, it may be necessary to obtain a licence from Natural England before proceeding.
- To provide permanent bat roosting and bird nesting opportunities at the site, integrated bat and bird boxes will be provided on the new building at the site. Bat boxes will be located away from artificial light-spill and close to retained habitats such as trees, woodland and watercourses. Bird boxes will be located on elevations between east, north and west (not south) to prevent overheating in mid-day sunlight.
- A scheme for the appropriate control and management of artificial lighting can be agreed through a suitably worded planning condition, in order to safeguard sensitive habitats and light-sensitive wildlife such as bats.
- In order to provide permanent habitat for Hedgehog, woody material felled during the initial site clearance will be used to create brash piles in areas of retained woodland / scrub at the site margins.
- To protect habitats and species, a Construction Environmental Management Plan (CEMP) will be prepared. The CEMP will provide detail on the above mitigation measures and will also include details for the site compound (to be located away from the River Calder and the unnamed watercourse to the south), security lighting for site compound and measures to minimise dust and noise impacts during the construction phase.

Given the proposed mitigation measures, it is considered there will be no significant adverse effects on the following ecological receptors: River Calder, the minor watercourse to the south of the site, birds, bats, otter or hedgehog.

The DEFRA Biodiversity Metric (version 3.1) has been used to calculate the baseline value of the site (before development) and the post-development value in order to calculate the Total Net Unit Change.

As detailed above, the habitat types and condition of the habitats within the site have been assessed and a River Condition Assessment (RCA) of the River Calder and unnamed watercourse adjacent to the site boundaries has been undertaken in accordance with the standard methodologies.

The proposals include significant and extensive proposed new tree planting, (including heavy standards), shrub planting, native hedge planting, ornamental shrub planting, and wildflower grassland.

This will result in on-site net gains for hedgerow units (+ 0.70); neutral impact on watercourse units; and a reduction in overall habitat units (-2.31). Dependent on the stage to which relevant legislation has progressed, discussions will need to take place between the applicant and the LPA regarding securing on-site / off-site biodiversity net gain measures as part of this development.

Subject to agreeing suitable conditions, the proposals are considered to comply with Paragraph 170 in the NPPF (Conserving and enhancing the natural environment) and Local Plan Policy LP30 (Biodiversity and Geodiversity).

Trees

No formal Tree Preservation Order exists on the site, and the existing trees are largely located on the eastern and south-western boundaries, away from the proposed development and unaffected. Three 'Category U' trees are recommended to be removed due to defects.

Given that no healthy trees identified by the Tree Survey are proposed to be removed, it is not considered necessary to submit an Arboricultural impact Assessment, and any relatively minor matters relating to retention of existing trees and works in proximity of their root protection zones could be covered through suitably worded planning conditions – i.e. requesting an Arboricultural Method Statement.

The proposals include an indicative Landscape Softworks plan, with new tree and shrub planting being proposed throughout the development.

The proposals are therefore considered to be acceptable and in compliance in Local Plan Policy LP33.²²

Land Contamination

The site was largely remediated as part of the Phase I Ledgard Bridge Mills scheme. Nevertheless, an updated Phase I Geo-Environmental report (Haigh Huddleston) accompanies the proposals.

It is considered that suitably worded conditions can be attached to the permission to ensure that appropriate mitigation measures are complied with in accordance with Local Plan Policy LP53 (Contaminated and unstable land) and NPPF paragraph 178.²³

Noise impact

A Noise Impact assessment has been produced in response to advice received at the pre-application stage regarding potential railway noise. A noise survey was undertaken on 17th and 18th October 2023.

Local Plan Policy LP52 states the following:

'Proposals which have the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.'

Paragraph 185 in the NPPF also states that,

'Planning policies and decisions should also ensure that new development is appropriate for its location ... In so doing they should: a) mitigate and reduce to a minimum potential adverse impacts resulting

²² Trees

²³ Ground conditions and pollution

from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.’

The submitted Noise Impact Assessment concludes that the noise environment at the proposed development site is principally controlled by road traffic noise from Calder Road to the southwest, with the contribution from the railway to the north at a relatively lower level. Ambient noise levels throughout the site are relatively low.

As a result, standard double glazing and standard trickle vents are considered to be appropriate throughout the development.

The proposals are therefore considered to be acceptable and in compliance in Local Plan Policy LP52 and NPPF Paragraph 185.

Fire Statement criteria

Although the overall height of the building is over 18 metres, a Fire Statement is not required for this application. The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendments) Order 2021 states that a Fire Statement is required to be submitted under paragraph 4 (3) if:

- (a) The building is more than 18 metres in height; or
- (b) The building contains 7 or more storeys.

Paragraph 4 (7) goes on to state that,

For the purpose of paragraph (3) –

- (a) The height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms.*

In this case, the building height when measured in accordance with the aforementioned legislation falls below 18 metre threshold and therefore a Fire Statement is not required.

Climate Change

Local Plan Policy LP24 refers to promoting good design through various criteria including (d) *ensuring high levels of sustainability, to a degree proportionate to the proposal...*

Paragraph 152 in the NPPF states that,

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should also help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

A Climate Change Statement is submitted as part of the application. Climate change mitigation measures have been incorporated into the proposals. These include proposal for:

- Building construction to exceed Building Regulation Requirements.
- Fabric specification and installation to exceed minimum standards.
- Installation of energy efficient fixtures and fittings.
- Energy efficient heating and ventilation.
- Materials and labour to be sourced locally where possible.
- Recycling facilities to be provided on site.
- Low water usage sanitaryware specified.
- EV charging points.

The proposed development would therefore contribute towards mitigating climate change and accords with paragraph 152 in the NPPF and Local Plan Policy LP24.

Crime Prevention

Local Plan Policy LP24 states the following:

'Proposals should promote good design by ensuring: e. the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.'

In light of the above policy, crime prevention & security measures will include the following:

- Levels and types of lighting proposed within the site will be appropriate for both pedestrians and vehicle users.
- Bedroom and circulation spaces will have full oversight of the parking courtyard area.
- The parking area will be covered by a CCTV system.
- Motorcycle bays will be provided with solid and secure ground anchors.
- Cycle storage will be located within secure brick built enclosures with access controlled gates and will be covered by CCTV linked to residents' home app.
- Primary building entrances will be fitted with access controlled door sets.
- Lobby spaces will have lockable letter/parcel boxes.
- All windows and doors will have certified locks.

The proposals are therefore considered to be acceptable and comply in Local Plan Policy LP24.

Former Martial Arts Club Building

This building is proposed to be demolished as part of the development, principally due to the need to expand the parking facilities for all relevant modes of transport.

To the east of the site is a single storey building historically used as a martial arts club. The Council are of the opinion that this would be considered a 'community facility' and therefore Local Plan Policy LP48 applies, although they have said that there are unclear about the exact role and function of the building.

The applicant respectfully disagrees that this would be classed as a 'community facility' for the purposes of planning policy. Although the club has been in existence since 1974 and is a not-for-profit organisation, it appears to operate most other sports clubs / gyms for all intents and purposes, whereby fees are charged for membership and tuition / classes are provided.

In addition, the building in question is not on the Council's list as an Asset of Community Value.

In this case, the tenancy for the martial arts club came to an end in March 2018 and statutory compensation was paid. A 12 month 'tenancy at will' was then entered into and the club vacated in May 2019, re-locating nearby to Mind and Body, Station Business Park, Unit 5 Back Station Road, Mirfield.

The applicant therefore contends that Local Plan Policy LP48 is not required to be addressed in this case, and the grant of planning permission should not be prevented on these grounds.

Rapid Health Assessment

Local Plan Policy LP47 states: *Health Impact Assessments would be carried out for all proposals that are likely to have a significant impact on the health and well-being of the local communities, or particular groups within it, in order to identify measures to maximise the health benefits of the development and avoid any potential adverse impacts.*

A Rapid Health Impact Assessment has been completed and accompanies the application. The main points of note are summarised below:

- The development will provide a Build to Rent scheme which will have a positive impact for individuals, local couples and small families looking for good value rented property.
- The development would be situated within a sustainable location, within walking and cycling distance to local shops, schools, employment opportunities and other amenities, and with good access to local bus routes and excellent railway links.
- The development includes access to open and green spaces, thus providing a positive benefit for the health and well-being of future residents.
- The design of the development will have a positive impact concerning community and personal safety, climate change and community cohesion.
- Mitigation measures can be put in place during the construction phase to limit any negative impacts, through a Construction Environmental Management Plan (CEMP).

The proposals are therefore considered to comply with the objectives of Local Plan Policy LP47.

Trans-Pennine rail route upgrade – land requisition

The north-western part of the site (beyond the existing converted mill building) will be requisitioned by Network Rail as a storage / work compound from 5th December 2023 for two years. As such, in the event planning permission is granted, the timing of the delivery of the open space and overspill parking area would need to be appropriately agreed as part of any planning conditions / S106 agreement, in order to prevent the timely delivery of the main residential element of the scheme to the south-east of the site.

Supporting skilled and flexible communities and workforce

As the proposals for residential development over 60 units, Local Plan Policy LP9 states:

Wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. Applicants should reach an agreement with the council about measures to achieve this, which could include: provision of specific training and apprenticeships that are related to the proposed development or support other agreed priorities for improving skills and education in Kirklees or the

creation of conditions to support a higher performing workforce, increasing productivity and the in-work progression of employees.

The applicant is content to discuss the possibility of local employment opportunities, and / or the provision of specific training and apprenticeships, as part of the ongoing assessment of the planning application.

S106 matters

Affordable housing – NPPF Paragraph 65 states that a normal provision of 10% of housing on major developments should be made available for affordable home ownership. It goes on to state that exemptions to this 10% requirement *should also be made where the site or proposed development: (a) provide solely for Build to Rent homes.*²⁴

Whilst it is acknowledged that national planning guidance appears to conflict with the NPPF with regard to the provision of affordable housing in Build to Rent schemes, the applicant's view is that in the light of the Local Plan being silent on the matter of Build to Rent homes, NPPF Paragraph 65 remains the only definitive planning policy on this matter.

Biodiversity net gain – the proposals will result in on-site net gains for hedgerow units (+ 0.70); neutral impact on watercourse units; and a reduction in overall habitat units (-2.31).

Public Open Space – as confirmed above in the Landscape and Open Space section, on-site public open space will be provided in the form of:

- a) a large informal area at the north-western end of the site to be planted with new trees, hedgerows and wildflowers (1,565 sq.m); and
- b) a Landscape Hub (or 'Pocket Park') at the centre of the site (705 sq.m), comprising seating areas, soft landscaping, and footpaths/cycle ways to create a radius of routes within the site and to exit / entry points.

This provides a total new public open space provision of 2,270 sq.m.

School Places - At the time of the pre-application enquiry in April last year, Education Services confirmed that the development would not necessitate an education contribution by virtue of surplus places within the identified nearby schools. It is however acknowledged that school place supply and demand is reviewed on an annual basis.

Other possible S106 contributions – to be discussed as the application progresses.

Viability

The applicant reserves the right to submit information concerning development viability during the course of the application.

²⁴ 'Build to Rent' is defined in the NPPF glossary at Annex 2

Ward Councillor engagement

Ward Councillors have been notified of the proposals at the time of the planning application submission. Contact details have been provided to the ward Members in the event of any comments or questions.

Conclusion

The application seeks planning permission for Phase II residential development comprising 76 no. two bed apartments through the Build to Rent model, on this former industrial site. The location of the site on the edge of Mirfield town centre and close to excellent public transport links, provides an excellent opportunity for an accessible and high density development on what is an underused brownfield site, and also a significant windfall opportunity in the context of the Council's five year housing supply absence.

Both the NPPF and the Local Plan strongly support the regeneration and recycling of brownfield sites as a priority²⁵, in order to help support the overarching principles of sustainable development, which remain at the heart of Government planning policy. The proposals will reduce pressure to develop greenfield and / or Green Belt sites in future (also possibly less accessible / sustainable).

In particular, 400 homes are estimated to be needed over the plan period for the Mirfield area, and yet Local Plan allocations only add up to just over half this number. There is already some doubt over the delivery of some of these allocations – as detailed within the Flood Risk Sequential and Exceptions Test report.

The site is owned by the applicant in this case and is therefore available and deliverable as a housing site. The NPPF places Build to Rent in a distinct (housing) asset class, and we are not aware of any other developers providing such schemes in Kirklees.

The Council's SHMA report confirms greater need to accommodate smaller households going forward, as well as the need for flats / apartments, in particular two bed flats / apartments. It is considered that in combination with Ledgard Bridge Mills Phase I, this is a good and mutually complementary housing mix that would help to meet the requirement and need for two bed properties within Kirklees – a type of development not typically offered by volume housebuilders on housing development sites.

As discussed above, it is considered that there are no significant constraints that would prevent the proposed development in respect of any relevant or material planning matters.

NPPF Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development and that (Paragraph 8) there are three overarching sustainability objectives – social, economic and environmental. This proposed development is considered to fulfil the relevant key social and environmental objectives:

- 1) Supporting *'strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations'*;

²⁵ NPPF Paragraph 120 - 'Planning policies and decisions should: c) give **substantial** weight to the value of using suitable brownfield land within settlements for homes and other identified needs.'

- 2) fostering a *'well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being*;
- 3) contributing to *'protecting and enhancing our natural, built and historic environment'*; and
- 4) making *'effective use of land,'* and *'using natural resources prudently'*.

Given the Council's lack of a five year housing supply, the presumption in favour of development is triggered.

NPPF para 11 states that *'Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Balancing the various material planning factors in this case, the proposals before the Council are considered to achieve the objectives of sustainable development in accordance with the National Planning Policy Framework, and also accord with the Council's up-to-date Local Plan.

The presumption in favour of sustainable development is also triggered, and it is considered that the benefits of the scheme would not be *significantly and demonstrably* outweighed by any identified adverse impacts in this case.

We therefore respectfully request that planning permission is granted accordingly.

Robert Halstead Chartered Surveyors & Town Planners

November 2023