

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/62/94067/E
Site Address: 6, Bar Street, Batley, WF17 5PG
Description: Alterations to former mill to form 7 dwellings
Recommending Officer: Nia Thomas

DECISION - CONDITIONAL FULL PERMISSION

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

Julia Steadman

AUTHORISED OFFICER

Date: 07-Jun-2019

Officer Report

Site Description

The application site relates to a former mill building, no.6 Bar Street in Batley. The building faces onto Bar Street and is constructed from natural stone for the external walls. The building has been identified as a non-designated heritage asset.

Surrounding the site is a variety of uses including residential, commercial and industrial (see planning history). No.1 Bar Street has planning permission for a drinking establishment. On Bradford Road, which adjoins Bar Street, there is a variety of uses. On this basis, it is considered that the character of the area is mixed.

Part of the site is within Flood Zones 2 and 3.

The site is unallocated on the Kirklees Local Plan but is located within the designated Station Road Conservation Area.

Description of Proposal

Planning permission is sought for alterations to the former mill to form 7 dwellings.

The alterations required to facilitate this change of use would be internal and therefore the external appearance of the mill will remain as existing.

Each of the dwellings would comprise of an open-plan kitchen/lounge area, one bedroom and a bathroom. One unit would be located at ground floor, with 3 units on both the first and second floors.

The block plan shows a small area of amenity space within the red line boundary.

History of negotiations/amendments received

The case officer is satisfied with the proposed development and no amendments have been requested during the course of the application. Agreement was however sought during the course of the application in relation to the imposition of pre-commencement conditions.

Relevant Planning History

2013/91830 – Change of use and internal alterations to warehouse to form 2 apartments APPROVED (Bar Street)

2009/93328 – Change of use and alterations to convert a mill into four apartments on the first and second floor APPROVED

2009/93329 – Change of use and alterations to convert B8 to A4 APPROVED
(1 Bar Street)

Representations

Final publicity date Expires: 18.2.2019

No representations have been received

No parish/town council comments are required.

Consultation Responses

K.C Local Lead Flood Authority – Initial objection relating to lack of FRA - but following discussions about planning history of the site and location of building, no objection subject to condition about floor levels. No FRA needed in this instance.

The Environment Agency – no objection. Standing advice.

K.C Environmental Health – no objection subject to submission of a noise report.

K.C Highways Development Management – no objection subject to the imposition of conditions

West Yorkshire Archaeological Society – no objection subject to condition.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated but is within the designated Station Road Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP21 – Highway Safety
- LP22- Parking Provision
- LP24 – Design
- LP27 – Flood Risk
- LP30 – Biodiversity and geodiversity

- LP35 – Historic environment
- LP51 – Protection and improvement of local air quality
- LP52– Protection and improvement of environmental quality
- LP53 – Unstable and contaminated land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

1) Principle of development

The site is unallocated however, it is located within the designated Station Road Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy LP35 of the Kirklees Local Plan together with guidance in Chapter 16 of the National Planning Policy Framework.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

It is noted that there is a previous planning permission to convert this building into residential development, therefore the principle has previously been established and remains acceptable in this sustainable location.

1) Impact on visual amenity

The impact on visual amenity is acceptable. There will be no external changes and therefore the building's character and its impact on the street scene will remain as existing. There will also be no impact upon the historic character of the conservation area given that there are no external changes proposed. The openings, materials, scale and form of the building will not change.

The area of amenity space that is proposed is not visible from Bar Street and therefore will have a negligible impact on the character of the area.

The proposal is considered acceptable from a visual amenity and heritage perspective, ensuring that a building, which has been identified as a non-designated heritage asset within the conservation area is brought back into a viable use. In all, the proposal would be compliant with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

2) Impact on residential amenity

The impact on residential amenity is acceptable. The buildings are existing and therefore in terms of overbearing, there will be no harm as there will be no increase in the bulk and massing.

In terms of overlooking/loss of privacy, the windows are as existing but following the change of use, will serve habitable rooms. In this case, the proposed relationships have already been established by the previous 2013 permission and there will be no detrimental overlooking or loss of privacy to neighbouring occupants.

It is acknowledged that each of the units would be relatively small but, they are proposed as one-bed units and would include an open-plan kitchen/lounge area and bathroom. Each unit is considered to be of a sufficient size and would provide openings to each habitable room.

In terms of noise, K.C Environmental Health have been consulted on the application and raise a concern in terms of the amenity of the future occupiers of the flats due to the varying uses around the site, including commercial and industrial premises. The proposed development is in close proximity to various noise sources which could have an effect on the amenity of the proposed residential apartments during both day and night. The proposed bedrooms and living rooms face onto several of the commercial premises; mainly takeaways, which all have external extraction systems. The proposed development also shares a wall with an active bedding manufacturer who use industrial equipment during their operations.

Considering the various noise sources in close proximity to the site, a pre-commencement condition has been recommended to ensure that a noise and ventilation scheme is submitted to and approved by the Local Planning Authority prior to the commencement of development.

This scheme will assess the predicted levels of noise around the site and how any excess noise can be mitigated through appropriate ventilation. Whilst it is noted that K.C Environmental Health have requested this information pre-determination, the case officer has noted that the 2013 application recommended a pre-commencement condition for the information. This was raised with K.C Environmental Health who confirmed, in this instance, it would be satisfactory to deal with this by pre-commencement condition. Because of

the use of a pre-commencement condition, agreement was sought and agreed with the applicant's agent during the course of this application.

With the inclusion of appropriate conditions, the proposal is considered acceptable from a residential amenity perspective and complies with policies LP24 and LP52 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

3) Impact on highway safety

The impact on highway safety has been reviewed by K.C Highways Development Management. The information that has been supplied does not provide trip generation details but it is considered that the proposed development would not result in a significant intensification of traffic using the local highway network, especially given that the proposed development is located in a sustainable location.

With regards to the parking provision at the site, this type of development would require 0.5 on-site parking spaces per apartment, with 1 visitor space per 3 apartments. No details of where this parking provision will be located has been provided. A condition has therefore been recommended to ensure that a parking plan is provided prior to the commencement of development – this is to ensure that vehicles associated with the development are not displaced on the highway, causing potential highway issues. Agreement has been sought and received from the applicant's agent regarding this pre-commencement condition.

The location of waste collection has not been identified by the developer. Due to the relatively restricted nature of the application site, a pre-commencement condition has also been requested by Highways DM to ensure that any pick up point of waste is located in a place that would be accessible to a cleansing operative and that would not cause pedestrian or highway safety issues. Once again, agreement has been sought and received from the applicant's agent.

Subject to the above pre-commencement conditions, the proposal is considered acceptable from a highway safety and efficiency perspective, compliant with policies LP21 and LP22 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

5) Other matters

Pre-commencement conditions – The applicant has confirmed agreement to pre-commencement conditions.

Archaeology – The West Yorkshire Archaeology Advisory Service (WYAAS) have been consulted on the planning application. The site is considered to be a non-designated heritage asset and it is confirmed that the building has the characteristics of a purpose built building for the wool industry and dates to the late 19th century. For these reasons, the building is of local significance and evidence of its internal form must be recorded.

Whilst there is no objection in principle to the conversion of the building, the WYAAS has recommended a condition to require the developer to obtain an implementation plan from WYAAS and for recording of the building's original mill features to take place before development or any required demolition commences.

Considering the imposition of a condition to ensure that the demolition recording is undertaken, the proposal complies with policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Flood Risk – The Local Lead Flood Authority have been consulted on the application given that part of the site is within Flood Zones 2/3. It is the amenity space and the north-west corner of the building that is located within these flood zones. An initial objection was raised as shown in the consultation response relating to the lack of a flood risk assessment.

Following receipt of the consultation response, the case officer and LLFA Officer discussed the planning history of the site and the location of the building in relation to the Flood Zones. As a result, it was confirmed by the LLFA that no flood risk assessment is actually required in this instance given that it such a small proportion of the existing building within Flood Zone 3. As well as this, it was noted that a flood risk assessment was not submitted with the 2013 application and no objection was raised by the drainage officer at the time of that application.

Finally, the areas of the site within the flood zones are not habitable spaces – there would be a void at ground floor, with bathrooms at first and second floor levels. Given that the development will not result in habitable living space being located within a flood zone, there is no concern from the case officer, which is supported by the LLFA. It was confirmed that there is no objection subject to a condition relating to finished floor levels of the ground floor flat.

The LLFA also suggested that the case officer contacts the Environment Agency. Whilst the Environment Agency are not a statutory consultee in this instance, following the advice of LLFA colleagues, this consultation was undertaken because the site is within 50 metres of a main river. The Environment Agency confirmed that they have no objection and referred to standing advice.

Considering the site circumstances, it is considered that the proposed development complies with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Contaminated Land - The site is identified as being contaminated on the Council's mapping system. Given that the proposal is for the change of use of the building and will not result in ground works, it is not considered in this instance that a condition relating to a phase I report is necessary. K.C Environmental Health have requested that a condition is attached to the

decision notice to ensure that any unexpected land contamination is reported if found during construction. This is reasonable as it is a condition that does not need to be discharged if no land contamination is found.

With the inclusion of the above condition, the proposal is considered to comply with policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Ecology – The site is in the bat alert layer and therefore consideration needs to be given to the impact on ecology as a result of the development. Given that there will be no external changes to the building and at the time of the site visit the building appeared to be well sealed, there is no reason for a bat survey to be requested. The proposal complies with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Electric charging points – The proposed block plan does not show any parking to serve the residents of the proposed apartments, but Highways DM have requested that parking is provided to serve the residents of the development (see highway safety section). A condition has been recommended for a parking layout plan to be submitted. The requirement for electric vehicle charging points has been included within this condition. This is to comply with sustainability objectives as identified in the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

6) Representations

No representations have been received.

Conclusion

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

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

Recommendation – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2018/94067

Officer Recommendation: Conditional Full Permission

Conditions and Reasons:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP11 LP21, LP22, LP24, LP27, LP30, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan as well as guidance contained within Chapters 5, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. No demolition or development shall take place within the area indicated as the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological WYJS, Nepshaw Lane South, Morley, Leeds LS27 7JQ t: 01135350300 e: dhunter@wyjs.org.uk www.wyjs.org.uk/archaeologyadvisory and architectural recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate level of archaeological and architectural recording is carried out prior to and during demolition in order to retain evidence of the mill's original form and historical development, to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that recordings begin at the appropriate stage of the development.

4. Notwithstanding the submitted plans and information, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of highway safety and to ensure an efficient use of the highway, to accord with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that agreement for the required

storage and collection areas for waste is appropriately sited within the application site.

5. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout and parking (including the provision of electric vehicle charging points) have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety, to accord with Policies LP21 and LP51 of the Kirklees Local Plan and guidance within the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that adequate parking provision is made available within the site and that this is agreed at an early stage of the development process.

6. The proposed flat located at ground floor level shall be sited 300ml above predicted flood level and retained as such.

Reason: To ensure that the application site is safeguarded from flood risk, to accord with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. Before development commences, a report specifying the measures to be taken to protect the development from noise from licensed premises, shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

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

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of future occupiers of the development from noise disturbance arising from adjacent commercial premises, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and guidance within the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that, should any measures be required, they are identified and provided at the appropriate stage of the development.

8. Before development commences, a ventilation scheme to show how habitable rooms shall be ventilated without the need to open windows, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots.

Reason: To protect the amenity of future occupiers of the development from noise disturbance arising from adjacent commercial premises, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and guidance within

the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that, should any measures be required, they are identified and provided at the appropriate stage of the development.

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To ensure that the land is safe and stable for development and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1:1250	-	13.12.2018
Block plan	Dec 18	-	13.12.2018
Floor plans	01	A	14.01.2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer is satisfied with the proposed development and no amendments have been requested. Agreement was however sought during the course of the application in relation to the imposition of pre-commencement conditions.

Report Dated:

07.06.2019