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:	2019/62/91974/W
Site Address:	Moldgreen Working Mens Club, 15, Church Street, Moldgreen, Huddersfield, HD5 9DL
Description:	Demolition of working mens club and erection of 12 apartments
Recommending Officer:	Christopher Carroll

DECISION – S106 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.

David Wordsworth

AUTHORISED OFFICER

Date: 09-Jul-2020

Officer Report

Officer Report

Reference: 2019/91974

Location: Moldgreen Top Club, 15 Church Street, Moldgreen, Huddersfield, HD5 9DL

Proposal: Demolition of working mens club and erection of 12 apartments

Site Description

The planning application site relates to Moldgreen Top Club which is located in Moldgreen, 15 Church Street. The site comprises a club building which is currently still in use. The building is detached and is constructed in stone. It is designed with gable, hipped and lean-to roof forms which are finished in roof tiles. The front of the club is set back from the access road with a car park to the front. Boundary treatment comprises a stone wall which runs along the eastern (Church Street) and northern Highroyd Crescent) boundaries of the site.

The site is bounded by highways on two sides and residential development on the other two sides; one of these being a recently erected block of 20 apartments. The site slopes up from Church Street at the front of the site, with Highroyd Crescent, a row of terrace dwellings at the rear.

The site is located in a predominantly residential area which comprises properties of a range of characters, style and designs. Church Street includes a number of terraced and semi-detached properties which are constructed in stone. Moldgreen Community Primary School is located opposite the site.

Description of Proposal

The proposal is for the demolition of the existing social club and the erection of a block of twelve apartments over 3 storeys with 6 No. two bedroom apartments and 6 No. one bedroom apartments.

There will be a basement level which will provide 14 No. car parking spaces with vehicular access onto Church Street. The basement will also provide a bin and bicycle storage area.

The building has a contemporary built form and appearance, in character with the adjoining apartment scheme at Aspley Heights. It is also characterised by large window, door and balcony openings.

The main elevation of the building will face Church Street but will be slightly offset and set back from the boundary to provide a paved area above the basement level parking.

The materials proposed include stone, render, timber effect cladding and grey powder coated flat roof fascias.

History of negotiations/amendments received:

During the course of the planning application, additional information was submitted to address a number of consultee responses:

Revised drawings to reflect the character and appearance of the neighbouring block of apartments and better respect the residential amenity of the existing residents at Highroyd Crescent.

Revised/Updated Bat Survey Report, Transport Statement, Drainage Strategy provided.

Additional information provided regarding Affordable Housing Statement and information regarding the building's use as a community facility.

Revised plans were provided that now show the level of the bin store lowered to street level, removing the need for a ramp, and also double louvre doors are now shown.

Relevant Planning History

2018/90964: Change of use from licensed premises to extend living accommodation. Conditional Full Permission.

2008/93878: Demolition of Moldgreen Top Club and erection of 9 apartments. Conditional Full Permission.

2004/94332: Demolition of existing dwelling and erection of 20 apartments with associated parking. Conditional Full Permission. (no 13 Church Street).

91/04641: Alterations to roofs. Conditional Full Permission.

Representations

Final publicity date expires: Friday 26 July 2019

The planning application was advertised in the Huddersfield Examiner on 5th July 2019. Four site notices were erected around the site and neighbours were notified.

Two representations were received and can be read in full on the website. Concerns ae summarised as follows:

- Noise implications
- Impact on car parking, traffic and highway safety
- Will this affect houses which currently overlook the building?
- Impact on utilities
- Who are the flats for as this is opposite the school and a family orientated area

Parish/Town Council comments: not applicable.

Amendments made to the proposals during the life of the current application did not necessitate public re-consultation.

Responses to the above comments are set out later in this report.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Design and Conservation – There are no heritage assets within the vicinity of the proposal site although it is in a prominent hillside location. Although dating back to the late C19 the existing building has limited historic interest and there are no concerns about the proposed demolition. Comments were provided on the initial plans stating that that proposed development is of a similar design to the adjacent apartment buildings which are constructed in timber cladding and artstone with a grey metal roof. Officers requested the use of stone instead of render and the use of timber cladding instead of timber effect cladding to blend into the local built environment and reflect the local vernacular, as well as complementing the adjacent apartment buildings. Revised plans were subsequently provided showing the use of stone instead of render. No comments on the scale or footprint of the building.

KC Ecology – Initially requested an up to date bat survey information and ecological enhancement measures. Subsequently a Bat Roost Assessment was provided (Prepared by Bagshaw Ecology, dated September 2019). Officers consider that the proposals will not result in significant ecological harm, and that the ecological enhancement reconditions are appropriate for a site of this scale. Condition recommended to secure the necessary ecological measures outlined in the assessment.

KC Environmental Health – No objections subject to conditions being secured for land contamination and air quality. Advice provided in relation to minimising noise disturbance regarding construction.

KC Highways – Initially requested an up to date Transport Statement. Subsequently a Transport Statement was provided (Prepared by Paragon Highways, dated November 2019). Officers consider the forecasted trip generation, proposed car parking provision and waste storage and collection as being acceptable. Conditions requested regarding areas to be surfaced and drained, nothing to obstruct the proposed visibility splay, retaining walls

and structures details adjacent to the highway and provision of cycle storage facilities.

KC Landscape – No objections, subject to securing the necessary planning conditions seeking further information on landscape details and securing the necessary management and maintenance. Also, in accordance with Local Plan Policy LP63 a financial contribution of £5,907.00 sought towards Ravensknowle Park.

KC Lead Local Flood Authority (LLFA) – Initially objected to the planning application as no information on the surface water management was submitted. Subsequently a letter with supporting drawings and calculations was provided detailing the drainage strategy (Prepared by JNP Group, dated October 2019). The LLFA now support this drainage strategy.

KC Policy – Provided advice in relation to Local Plan Policy LP48 (Community facilities and services). Also, provided an assessment of the quantity, quality and accessibility of the existing open space within an area taking into account any deficiencies in relation to Local Plan Policy LP63 (New Open Space).

KC Strategic Housing – In lieu of providing onsite affordable housing, a financial contribution for 20% of the dwellings (2 dwellings- 1 x 1bed, 1 x 2bed), would be recommended for this development. A financial contribution of at least equal value of median build costs (per sq. metre) for Kirklees recognised by the RICS Build Cost Information Service (BCIS), may be accepted to provide affordable homes elsewhere or to improve the existing housing stock. If vacant building credit applies then a financial contribution of £10,222.50 would be sought.

KC School Organisation – No comments.

KC Trees – There are no protected trees affected by this proposal and no tree which meet the criteria for a new order to be served. On that basis there are no objections.

KC Waste – No objections subject to conditions regarding waste storage and collection, as well as securing details regarding the management and maintenance of communal refuse storage areas.

Northern Gas Networks (NGN) – No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then NGN require the promoter of these works to contact us directly to discuss our requirements in detail.

West Yorkshire Police – Advice provided in relation to boundary treatments (particularly for the basement car parking area), Public spaces to be well overlooked and illuminated, Trees and vegetation, External lighting, Internal partition wall construction, Door sets, Door limitation and caller identification, Windows, Motorcycle and Cycle storage, Secure Mail Delivery to apartments

accessed via a private dedicated entrance doorset, Intruder alarms and CCTV.

Yorkshire Water – No objections.

Policy

Kirklees Local Plan (LP):

- LP1: Presumption in favour of sustainable development
- LP2: Place Shaping
- LP7: Efficient and effective use of land and buildings
- LP11: Housing Mix and Affordable Housing
- LP20: Sustainable travel.
- LP21: Highway safety and access
- LP22: Parking
- LP24: Design
- LP28: Drainage
- LP30: Biodiversity and geodiversity
- LP33: Trees
- LP48: Community Facilities
- LP51: Protection and improvement of local air quality
- LP52: Protection and improvement of environmental quality
- LP53: Contaminated and unstable land

Supplementary Planning Guidance:

- Interim Affordable Housing Policy (2016)
- Highways Design Guide Supplementary Planning Document (2019)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance:

The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

Other relevant national guidance includes:

- Planning Practice Guidance for England (First published in 2014)
- Technical housing standards – nationally described space standard (First published in 2015)
- National design guide (2019)

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Visual Amenity
2) Residential Amenity
3) Highway Safety and Transport
4) Climate Change
5) Flood Risk and Drainage
6) Biodiversity
7) Public Open Space
8) Affordable Housing
9) Environmental and Public Health
10) Crime Prevention
11) Representations

1. Principle of development

The site is without designation in the Local Plan.

The application form states that the site is currently a vacant working mens club and this proposal could be considered to mean the loss of a community facility. Local Plan Policy LP48 of the Local Plan sets out parameters to consider in such circumstances along with Chapter 8 of the NPPF. The parameters include when the facility is no longer needed, no longer viable and where there is sufficient or better facilities elsewhere within easy reach of the site. Furthermore, consideration of all options for the continuation of the use at the site should be considered first and attention should be given to the Community Asset Register. The principle for the loss of the community use in relation to these policy considerations have already been established with the approval of planning application reference 2018/90964 - Change of use from licensed premises to extend living accommodation (Granted May 2018). It was considered that the club was no longer viable, there were other similar community facilities within the local area that serve local needs. Furthermore, the application site is not listed on the Community Asset Register.

It is also noted that planning permission was granted in May 2009 under application reference 2008/93878, for the demolition of the Top Club and the erection of 9 apartments.

Therefore, there is no presumption against residential development. Policy LP1 of the Local Plan states that when considering development proposals,

the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The Kirklees Local Plan was adopted on 27th February 2019. The Local Plan sets a housing requirement of 31,140 new homes during the period 2013-2031, equating to an annual requirement of 1,730 new homes. The Council's Annual Monitoring Report (December 2019) demonstrates that the Council can presently demonstrate a five years supply of deliverable housing sites against its housing requirement.

Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 68 of the NPPF recognises that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".*

The development site forms a small plot surrounded predominantly by residential development. Although the Local Planning Authority can demonstrate a five- year land supply, it is noted that the development of this plot would be contribute to the housing supply in the district. However, the provision of housing needs to be balanced against all material planning considerations. The proposal will be assessed on its own merits having regard to the applicable Local Plan and NPPF policies which are considered below.

2. Visual Amenity

Local Plan Policy LP24 states that the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape.

The club is a 2 storey pitch roof building set back from Church Street on higher ground, it sits inconspicuously next to the more recently developed apartment block known as Aspley Heights and defines Highroyd Crescent with a gable wall.

The proposed design and appearance of the apartment block would be seen in context with neighbouring Aspley Heights apartment blocks. It would also result in Church Street and Highroyd Crescent benefiting active street frontages and greater natural surveillance. The proposed amendments to the original design in response to the Design and Conservation officer's comments are welcomed. In addition, the use of appropriate planning conditions will ensure that the appropriate building materials will be used.

Excavation would be required to form the basement level for the parking spaces but in principle this need not be detrimental to amenity provided that suitable materials are used for forming the new retaining walls, which could be conditioned.

The principle for a 3 storey apartment block and basement level parking with a contemporary built form and appearance has been accepted previously by the Council with the approval of the demolition of the club and the erection of 9 apartments in May 2009 (Reference: 2008/93878). Furthermore, the applicant has stated within the Planning Statement that: *"the revised layout provides a better use of the site than the previous planning consent with more units in a reduced footprint and lower overall height, by making more efficient use of the internal space. The main efficiency has been established by improving the internal access within the building."* After reviewing the plans from a visual amenity perspective, this appears to be the case and would accord with Local Plan Policy LP24 clause (a) and chapters 11-12 of the NPPF.

Finally, minimal landscape proposals are included with the application, which has also been noticed by the Landscape officer. As such, conditions would be required seeking the necessary details to secure an appropriate landscaping scheme in accordance with Local Plan Policy LP24(i) and LP32, as well as Chapters 12 and 15 of the NPPF.

3. Residential Amenity

Paragraph 127 clause (f) of the NPPF and clause (b) of Policy LP24 of the Local Plan requires proposal to provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.

Highroyd Crescent is a narrow lane (approximately 4m wide) and defines the site's northern boundary. 2 storey properties front onto the lane set behind small courtyards and front projections, whilst no.17 Church Street presents the street with its side gable with one first floor level obscure window. The properties currently overlook the site's blank gable wall and/or large roofscape compromising of several rooflights.

The proposal would result in a larger building mass along Highroyd Crescent. However, the proposed building, like the existing building would be set on lower ground to the Highroyd Crescent and the surrounding properties, utilising the same building footprint. As such, it is considered that there would not be an adverse impact on residential amenity in terms of overdominance. There would be no direct overlooking of habitable room windows due to the location of the proposed windows and the building's north west - south east orientation. Also, the building's internal layout consisting of a lift shaft and stairwell would be found within this location. There is an existing vehicular and pedestrian access at the lowest point of Highroyd Crescent. This would be

replaced with a vehicular access point from Church Street and a pedestrian access adjacent to no.6 Highroyd Crescent. It is considered that there would be no adverse change in terms of 'comings and goings' along Highroyd Crescent. Overall, it is considered that there would be an acceptable impact on residential amenity in this location.

There is a separation distance of around 13m between the proposed apartment block and the existing residential terrace (particularly dwelling nos. 1 and 3 Highroyd Crescent) along the site's western edge. Section drawings show that the proposed apartment block's second floor windows would be level with the ground floor of the existing residential terrace. During the planning application, changes were made to the proposed design and arrangement of the second floor windows to ensure that there was an acceptable impact on residential amenity. There appears to be existing intervening vegetation but it is unclear as to whether this would be able to be retained as a result of construction. As such, an appropriate screen fencing and buffer planting would be secured by way of planning condition to further protect and enhance residential amenity in this location.

Although for fewer apartments, it should be noted that the approved proposal for 9 apartments (Reference: 2008/93878) had a similar building scale, building footprint, orientation and had larger window openings. Also, there was a similar separation distance between Aspley Heights apartment blocks and the terrace dwellings at Highroyd Crescent.

The quality of the proposed residential accommodation is also a material planning consideration. Although the Government's Nationally Described Space Standards (NDSS) (March 2015, amended May 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. All of the apartments would either be 1 bedroom or 2 bedroom dwellings. The 1 bedroom apartments would range from 40m^2 to 50m^2 (NSSS – 37m^2), whilst the 2 bedroom apartments would all be 75m^2 (NDSS – 61m^2). Therefore, the proposal would exceed such standards.

All of the proposed habitable rooms of the apartments would have windows and therefore, access to natural light and ventilation. The apartments would have limited private amenity space but given the tenure mix it is considered that such constraint is acceptable in this instance. The proposed arrangement would also avoid any adverse effect on the privacy for future occupants of the new dwellings.

It is acknowledged that the Council would usually seek greater separation distances between existing and proposed dwellings. However, due consideration must be given to the proposed design, the site planning history and the exisitng separation distances between the adjacent apartment dwelling units and dwellings at Highroyd Crescent. Furthermore, officers consider that the proposal would effectively use the topography to ensure the efficient use of land in accordance with Local Plan Policy LP7 and NPPF

Chapter 11. Therefore, it is considered that the proposal would broadly avoid harm to the amenities of any existing or future occupants and would accord with the aims of Local Plan Policy LP24 clause (b) and NPPF Paragraph 127 clause (f).

4. Highway Safety and Transport

Local Plan Policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

The site is currently accessed at Highroyd Crescent, which does not meet current safety standards in terms of visibility and its proximity to a nearby Church Street junction. The proposal would mean the closure of this access point and the crossing reinstated as footway.

A new vehicular access is proposed with the creation of a new simple priority junction with suitable kerb radii and return footways would be established with Church Street. Church Street is a two-way single carriageway with a footway provided on both sides. Street lighting is to residential road standards and the highway is subject to a 30mph speed limit. There are traffic regulation orders to the site frontage with keep clear "zig-zag" markings on both sides of the carriageway, due to the nearby Moldgreen Community Primary School. The new access is considered by Highways Development Management officers to be sufficiently wide to accommodate two-way flow with visibility for emerging drivers commensurate with the estimated traffic speeds on Church Street. However, a planning condition is required to ensure that the proposed vehicle access point visibility spay is free from any obstructions.

The applicant's Highway Statement has used the TRICS database, to assess the traffic impact of 'Residential' and 'flats privately owned' in trip generation terms. Table 3 of the Highway Statement indicates the forecast traffic generation associated with the development of circa 3 two way movements and 3 two way movements in the AM (08:00 to 09:00) and PM (17:00 to

18:00) peak periods respectively. In addition in section 3.4.5 of the submitted Highway Statement, there is reference to a trip rate of 0.4 per unit generating 4.8 trips in the AM and PM peak periods. Both of which are not considered to not have an adverse impact on local highway capacity and are considered acceptable by Highways Development Management officers.

The Local Plan and the Highways Design Guide Supplementary Planning Document (SPD) does not have car parking standards. Local Plan Policy LP22 and Highways Design Guide SPD Chapter 5 sets out the criteria for establishing parking requirements for new developments, which should be evidence based within the planning application submission. The indicated provision of 14 parking space including provision for visitors is considered acceptable by Highways Development Management officers.

The provision for the storage and collection of waste from the premises has been indicated on the basement floorplan and would be in line with Chapter 6 of the Highways Design Guide SPD and the Good Practice Guide for Developers on waste collection. However, the planning conditions are considered necessary to secure further details regarding maintenance and management of the storage and collection of wastes.

The provision for the storage of cycles has also been indicated on the basement floorplan. However, a planning condition is required seeking further details on the number, the convenience and security of such spaces, in accordance with Local Plan Policies LP20 and LP21.

Planning conditions are also required seeking further information for the proposed retaining walls and building walls adjacent to the highway, as well as details regarding areas to be surfaced and drained.

5. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The Local Plan requires any new development to promote high levels of sustainability, to a degree proportionate to the proposal. In this instance, the proposal would result in the efficient use of previously developed land within the established residential area, in walking and cycle distance to a number of local amenities of the Moldgreen neighbourhood. Also, the site is within walking distance of an established bus route found at Wakefield Road,

providing access to Huddersfield Town Centre. Therefore the site can be considered to be in a sustainable location.

The proposed building itself would, as a minimum be constructed to Part L1A requirements of the Building Regulations 2010, which would include measures to ensure the conservation of fuel and power in new dwellings. Majority of the apartments have a high level of glazing to capture solar radiation and the open plan nature with most apartments having large openings to prevent the building from overheating in the summer months. In addition the building would replace an existing dwelling which would have been constructed to much lower building control standards with regard to energy efficiency. Over the expected lifetime of the development therefore this is likely to result in a net reduction to the overall emissions of the development in comparison to the existing building.

In terms of mitigation measures a condition shall be included with any approval requiring details of drainage to be submitted, these should show a brownfield reduction rate of 30% over existing. The site is within Flood Zone 1 on the Environment Agency's flood maps and as such would accord with the aims of Local Plan Policy LP27, which requires new development to be sited in the areas of lowest flood risk where possible.

Any approval shall, include a condition to provide an electric vehicle charge points which would encourage the use of low emission vehicles. Whilst these would contribute towards local air quality, the impact of electric vehicles, on mitigating the effects of Climate Change are limited at the present time due to the make-up of the electricity supply. However over the timescale of the carbon reduction plan it is expected that most electricity will be generated by renewable or low carbon methods.

Given the above it is considered that the proposed development would on balance be in accordance with climate change policies outlined in Chapter 12 of the Local Plan, as well as Chapter 14 of the NPPF. Additionally, the proposal would align with the aims of the Council's declaration to achieve "net zero" carbon emissions by 2038.

6. Flood Risk and Drainage

During the planning application, a Drainage Report and Drawings were submitted (Reference: B23588-JNP-92-XX-RP-C-1001/ne). To mitigate against on-site flooding in an exceedance event, it is proposed to install a linear channel along the car park entrance with a gully on the south side where levels fall from basement level to meet existing road levels of Church Street. As this is to be the lowest point on-site, any flood water would exceed the gully in this location and exit the site. The linear channel is to act as a precautionary measure in preventing surface water run-off from entering the site.

In terms of drainage, the Drainage Report explains how proposal seeks to restrict the surface water run-off from the proposed development to 3.5

litres/second. The storage volume required for the 1 in 100 year storm event plus 30% climate change is 10.6m^3, this is proposed to be stored below ground within privately managed cellular storage crates. As the public sewer is combined, the surface water will combine with the foul water within the site curtilage before discharging into the public sewer. A new junction connection to the combined sewer is proposed. If a connection exists between the site and the public sewer, then this could be utilised, subject to position and level. The foul water created by the development will drain via gravity before combining with the surface water and discharging into the combined sewer in Church Street.

Yorkshire Water and the Lead Local Flood Authority have both assessed the information and have no objections. As such, the proposal would accord with Local Plan Policies LP27 and LP28 as well as Chapter 14 of the NPPF.

7. Biodiversity

The application site is within the Bat Alert area. During the planning application, the applicant submitted a Bat Roost Assessment (Reference: BE1140.1 Revision A). The report considers the building to have negligible potential for roosting bats and that the proposed development would have no impact on bats. In accordance with Local Plan Policy LP30 and NPPF Chapter 15, the report recommends the incorporation of two bird boxes within the proposed development to enhance the site's ecological value. The Biodiversity officer agrees with the submitted report and recommends the necessary conditions to secure such enhancements.

8. Public Open Space

In relation to Local Plan Policy LP63 of the Local Plan new residential proposals are required to provide open space to meet the needs of the development based on an assessment of the quantity, quality and accessibility of the existing open space within an area taking into account any deficiencies. This analysis will help determine the need for new on-site or off-site open space, enhancement of existing provision and/or a financial contribution and considers the need to provide for different types of open space. Dalton Ward has a shortfall in quantity in amenity space and allotments, however, being under 50 dwellings, it does not trigger allotments. It does trigger children and young people's open space typology. Given there is no space on site – this could potentially be an offsite lump sum towards and existing facility in the vicinity such as Ravensknowle Park. Officers have therefore, requested a financial contribution of £5,907.00, which can be agreed by way of section 106 agreement.

9. Affordable Housing

The applicant has submitted sufficient evidence that proves that the proposal is eligible for 'vacant building credit.' This approach is in accordance with paragraph 63 of the NPPF, which explains that *"to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount."*

Paragraph: 026 Reference ID: 23b-026-20190315 of the Planning Practice Guidance states that: *"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."*

Based on the guidance set out in the Planning Practice Guidance, the planning application has been reviewed by the Strategic Housing officer has calculated that there would be an affordable housing contribution of £10,222.50 would be required. This planning obligation can be agreed by way of section 106 agreement.

10. Environmental and Public Health

In accordance, with Local Plan Policies LP24(d)(v) and LP51, as well as Chapter 9 and 15 of the NPPF, a planning condition is required to ensure that the necessary charging points ae provided to encourage the use of electric and low emission vehicles.

Land contamination related planning conditions are required to ensure that the proposal accords with Local Plan Policy LP53 and NPPF Chapter 15. This will ensure that any identified contamination can be appropriately mitigated to suitably protect potential residents and the environment.

Local Plan Policy LP47 explains how the council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality. Given the scale of the proposed development it is not considered that it is likely to not have a significant impact on the health and well-being of the local communities, or particular groups within it. Furthermore, it is considered that the proposal would particularly accord with Local Plan Policy LP47 clauses (e) (f) (g) and (k) in promoting good design and sustainable development.

11. Crime Prevention

The West Yorkshire Police Architectural Liaison officer has assessed the proposal and provided advice and guidance in relation to vehicular parking,

boundary treatments, public spaces, trees and vegetation, external lighting, internal partition walls, doors, windows, motorcycle and cycle storage, mail delivery, intruder alarms, CCTV. The comments made are advisory and have been referred to the applicant. On balance, it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24 (e).

12. Representations

- Noise implications

Officer response: Environmental Health officers have raised no issues regarding potential noise implications and the planning application is for residential apartments within an existing residential area. As such, officers do not believe that there would be adverse impact on residential amenity, regarding noise related issues.

- Impact on car parking, traffic and highway safety

Officer response: As outlined in section 4 of this report, Highways Development Management have not raised any issues regarding these matters.

- Will this affect houses which currently overlook the building?

Officer response: As outlined in section 3 of this report, officers have sought the necessary amendments to the scheme during the course of the planning application to ensure that there is no unacceptable impact in terms of overlooking.

- Impact on utilities

Officer response: Utility companies have a legal responsibility to provide the necessary utility infrastructure for the proposed new development and to ensure that there will be no adverse impact on the surrounding area.

- Who are the flats for as this is opposite the school and a family orientated area

Officer response: It is understood that the proposed apartments would be for market sale and/or rent. No information has been provided as to whether or not the apartments would serve a particular sector of the community. However, officers believe that the apartments would contribute to a housing mix within the locality and thus in the creation of a sustainable community.

Conclusion:

The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and planning obligations being secured, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore approved.

Recommendation - APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2019/91974

Officer Recommendation: Approval

Conditions and Reasons

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved 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, in the interests of visual amenity, highway safety, the amenity of future residents and to accord with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

3. Prior to any superstructure works commencing, details of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, facing stonework, render, cladding, roofing and window frames shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained for the lifetime of the development.
Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. No building shall be occupied until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and plants on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24 and LP32 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The development shall not begin until details of the treatment of all site boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of the apartments and shall thereafter be retained.
Reason: In the interests of visual amenity and to ensure the free and safe use of the highway in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the necessary boundary treatments are secured to protect residential amenity at an appropriate stage of the development process.

6. The development shall not be occupied until the areas to be used by pedestrians and vehicles, including parking have been surfaced, sealed and drained and thereafter retained, to the satisfaction of the Local Planning Authority.
Reason: In the interests of the free and safe use of the highway in accordance with Policies LP22 and LP24 of the Kirklees Local Plan as well as Chapters 9 and 12 of the National Planning Policy Framework.

7. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Church Street along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.
Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

8. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all new retaining walls/ building walls adjacent to the existing highways including any modifications to the existing retaining wall on Church Street shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: To ensure that any new retaining structures do not compromise the stability of the highway in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

9. Before development commences, details of the necessary storage and access for cycles for each dwelling 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: To comply with the Council's sustainability objectives, in accordance with Policies LP20 and LP22 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that the necessary cycle facilities are provided at an appropriate stage of the development process.

10. Prior to first occupation the bin and cycle storage room shown on drawing number 2596-03A shall be made available to residents and visitors and retained in perpetuity.

Reason: In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.

11. Before development commences, details of the management and maintenance of communal refuse storage areas by a designated private management company shall be submitted to and approved 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 amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.
This is a pre commencement condition to ensure that the necessary waste storage and collection facilities are provided throughout the proposed development.

12. Prior to the laying out of the car park**,** a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces
- One Standard Electric Vehicle Charging Point for every 10 unallocated commercial parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: To ensure residents of the development are encouraged to use low carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

13. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: In the interests of the amenity of the locality and in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.
This is a pre-commencement condition as construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

14. All ecological measures and/or works pertaining to bats and birds shall be implemented in strict accordance with the recommendations set out at Section 6 of the Bat Roost Assessment, prepared by Bagshaw Ecology, Reference: BE1140.1a, dated 30/09/2019 and all features created will be retained thereafter.
Reason: To ensure a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

15. The development shall be carried out in strict accordance with the drainage strategy, including Appendices and prepared by jnp group, Reference: B23588-JNP-92-XX-RP-C-1001/ne, dated 3rd October 2019 and all drainage features shall be retained thereafter.
Reason: In order to ensure an appropriate drainage scheme is achieved on the site and to accord with the guidance contained in Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

16. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system, approved pursuant to planning condition no.15 is in place and functioning in accordance with written notification to the Local Planning Authority

Reason: To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental well being and to accord with Policies LP24, LP27, LP28 and LP34 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.
This is a pre-commencement condition to ensure appropriate measures to protect amenity and maintain highways safety at an appropriate stage of the development process.

17. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

18. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to planning condition no. 17 further groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

19. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to planning condition no. 18 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

20. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to planning condition no. 19. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in

the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

21. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the approved remediation measures are completed before the development is occupied in the interests of the health and wellbeing of future residents and in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

FOOTNOTES

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and

13.00hours , Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

It is possible that Building Regulations may have compulsory requirements for the provision of facilities for disabled people under Part M of the Building Regulations. This will be dealt with separately by the Council's Building Control Section in the context of any application submitted under the Building Regulations.

The applicant is encouraged to consider the site specific guidance set out by the West Yorkshire Police Designing Out Crime Officer in a letter dated 1st July 2019, particular with regards to building construction and site security measures. West Yorkshire Police encourages applicants to seek to build / refurbish a development incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED), together with Secured by Design (SBD), a crime prevention initiative operated by the Police Service and supported by the Home Office (Weblink - https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019.pdf). Applicants are also encouraged to apply for Secured by Design accreditation for all new dwelling developments in order to achieve a recognised award for security standards. Please see the web link below for further information https://www.securedbydesign.com/services/sbd-awards.

This approval relates to a Section 106 Agreement with regards to seeking planning obligations for affordable housing and public open space financial contributions.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2596-LOC		11/06/2019
Existing Site Plan	2596-01		11/06/2019
Existing Site Sections / Massing	2596-02		11/06/2019
Site Layout as Proposed	2596-08		20/06/2019
Proposed Basement Plan	2596-03A		02/06/2020
Ground Floor Plan as Proposed	2596-04		20/06/2019
1st and 2nd Floor Plans as Proposed	2596-05A		27/01/2019
Elevations as Proposed (1 of 2)	2596-06C		20/06/2020
Elevations as Proposed (2 of 2)	2596-07B		27/01/2020
Affordable Housing Statement	2596		05/12/2019
Highway Statement	285B		05/12/2019
Drainage Strategy including Appendices	B23588-JNP-92-XX-RP-C-1001/ne		10/10/2019
Bat Roost Assessment	BE-1140.1a		04/10/2019
Planning, Design and Access Statement	2596		11/06/2019

For approvals

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. During the course of the planning application a number of amendments were made and additional plans and documentation received to address consultee comments. This included seeking further information to demonstrate the need for the 'working mens club.' Amended plans were received with alterations to the design to reflect the character and appearance of the neighbouring block of apartments and to better respect the residential amenity of the existing residents at Highroyd Crescent. Officers sought further clarification about the proposed collection and storage of

wastes, which has now been provided and agreed. Revised and updated Bat Survey Report, Transport Statement, Drainage Strategy were provided. Negotiations have also taken place between officers and the applicant to ensure that the scheme is eligible for vacant building credit with the securing of a planning policy compliant off-site financial contributions towards affordable housing. The positive manner in which the Council have engaged with the applicant has resulted in a sustainable form of development which has met the requirements of the Town and Country Planning (Development Management Procedure) Order 2015.

Report Dated: 08/07/2020