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:	2020/62/93974/W
Site Address:	Old office, Pinfold Works, Park Road West, Crosland Moor, Huddersfield, HD4 5BN
Description:	External and internal alterations to existing vacant office building
Recommending Officer:	Katie Chew

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 22-Mar-2021

Officer Report

Site Description

Old office, Pinfold Works, Park Road West, Crosland Moor, Huddersfield, HD4 5BN

The application site relates to small two storey detached 'L-shaped' building located to the north of Park Road West, which is an adopted road. The building is stepped up at a significantly higher ground level than Manchester Road which runs along the north of the site. The site is enclosed to the north by a stone retaining wall and timber fencing, to the south there is a stone wall and gated access. The property appears to be somewhat rundown and unkempt.

Materials used in the existing building include render, concrete blockwork, timber doors and windows, and a concrete roof.

The site falls partly within a Conservation Area (to the south west), and there are no Listed Buildings in close proximity.

Description of Proposal

The application seeks permission for external and internal alterations to existing vacant office building to be used for an established security company. The office will be used for administrative purposes, monitoring, staff facilities and client meetings.

Internal alterations include replacing the upper floor due to it sagging in the middle, a new internal staircase, altering the layout to create an open place office space, W.C, kitchen and reception area.

Externally the scheme will include the removal of the existing flat roof to replace it with a pitched roof, alterations to the existing doors and windows, with additional windows and doors to be installed.

The existing vehicular and pedestrian access will remain, with parking proposed within the existing yard area.

Proposed materials include render, timber effect cladding, blue slate roof tiles, and anthracite grey windows and doors.

History of negotiations/amendments received

Through the course of the application the agent submitted a revised layout plan outlining the car parking proposed, this was in response to the comments received from KC highways development management.

Relevant Planning History

2008/90731 – Change of use from builders' merchants to café and associated parking. Refused 16th April 2008. This application was refused as:

1. *Insufficient information, in the form of a sequential test has been submitted in order to justify the proposed use (A3 – café) which sits outside of the local centre of Milnsbridge and Crosland Moor. The development is therefore contrary to the advice given in PPS6 – Town Centres.*
1. *The proposed development by virtue of its proposed use and location, is likely to attract on street parking on Manchester Road and close to the junction of Manchester Road with Park Road West. This would result in an obstruction and source of hazard to the free and safe flow of traffic and would therefore be contrary to Policy T10 of the Kirklees Unitary Development Plan.*

Representations

Final publicity date expires:

Neighbour Letters – Expired 5th January 2021.

No representations have been received to date.

Officer note: As highlighted above the Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, details of which are outlined above.

Consultation Responses

KC Ecology Unit – Comments received 11th January 2021. Based on the nature of the proposals and the construction of the existing building there is low risk of impacts to roosting bats. However, officers requested that the bat roost advice note is applied and a condition requiring an integral bat roost feature to be installed on the building following renovations.

KC Highways Development Management – Comments received 26th February 2021. No objections to the proposals although, highway officers would like confirmation of the proposed parking regime at the site in the form of a brief car park management statement, a drawing should also be provided showing the location of the three car parking spaces proposed and suitable turning space to allow vehicles to enter and exit the site in forward gear.

Officer note: Following the receipt of an amended plan KC HDM deems the information to be suitable for the removal of the condition relating to parking use and layout. However, it is requested that the staffing details be added to the D&A statement submitted.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within a Bat Alert Area. The site also falls partly within a Conservation Area (to the south west).

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP13 – Town Centres**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 6 – Building a strong and competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Principle of Development:

The site is without notation on the Kirklees Local Plan. In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that:

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

LP1 goes further and states:

'The Council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'.

Chapter 6 of the National Planning Policy Framework also states that *"planning decisions should help create the conditions in which businesses can invest, expand and adapt".* In this case – although on a very small scale, the proposed development complies with the aim of Paragraph 80 of the NPPF as it would result in a small office to be used for administrative purposes, monitoring, and client meetings.

As offices are classed as a main town centre use and the site is noted as not being within a main town or local centre. In such circumstances and in accordance with LP13 of the Local Plan and Chapter 7 of the NPPF a sequential assessment is usually required to detail why the proposed use cannot be located within a town or local centre. However, within the submitted Design & Access Statement the applicant's agent states that whilst the building has been vacant for a number of years the building was previously used as an office for the builder's yard (there also appears to have been a workshop at the lower level). It is therefore considered that the use of the building as an office is extant and therefore a sequential assessment is not required in this instance.

Officer note: Whilst there is no clear evidence that the existing building was used as an office in the past, under application reference 2008/90731 for the change of use from builders' merchants to café and associated parking (which was refused 16th April 2008), there is reference made to the existing building within the submitted Design & Access Statement, within this statement it highlights that the building was in use as a builder's merchant/office. The council have no reason to think differently and therefore it is considered that the extant use of the building is as an office ancillary to the builders merchant.

The principle of development is therefore considered to be acceptable and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan

Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that *'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity and future and neighbouring occupiers'.*

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This development falls partly within Milnsbridge Conservation Area and the impact will be assessed below.

Furthermore, this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 states that:

'Development proposals affecting a designated heritage asset…should preserve or enhance the significance of this asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm'.

The harm should any be considered to accrue from this development, will be assessed and discussed later in the report.

Regarding visual amenity and the impact on the setting of the Conservation Area, whilst a number of works are to be carried out internally and therefore will have minimal, if no impact on the visual amenity of the area, a number of works are proposed externally. These works include the installation and alteration of existing windows and doors, replacement pitched roof, and finishing materials which differ from the existing materials used on the external walls and roof. Notwithstanding the above, the current building is somewhat unkempt and in need of refurbishment. It has a detrimental effect on the visual amenity of the area. The applicant's agent highlights that the building has been vacant for a number of years and this is supported by the site photos provided. It is therefore considered that the proposed amendments will help to improve and enhance the appearance of the host building, and the character and appearance of the area given its prominent location raised above Manchester Road. As such there are no concerns regarding the visual impact of the proposals.

Whilst the materials proposed do differ to what currently exists at the site and within the immediate vicinity, it is in officer's opinion that the proposed materials will provide a more modern and clean finish in this instance. The materials and details are therefore considered to be appropriate.

For the reasons outlined above, the proposed alterations are considered to not harm the visual amenity of the area or indeed the significance of Milnsbridge Conservation Area. The proposal is considered to offer a refreshed appearance and go some way to improving the setting of the existing building. The proposals are therefore considered to accord with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Impact on no. 490 Manchester Road

This neighbouring property is located to the north of the application site approximately 20m away. Given this large separation distance and difference in topography between no. 490 and the application site, there are no concerns in respect to overlooking or overshadowing, and whilst it is acknowledged that the proposals could appear overbearing given their location above no. 490, it is considered that on balance the proposals are not significantly dissimilar to what currently exists and therefore would not raise any significant concerns in respect to residential amenity in this instance.

Impact on no. 64 Park Road West

This neighbouring property is located to the east of the application site approximately 43.5m away. Given this large separation distance there are no concerns in respect to overlooking, overshadowing, or the proposals appearing overbearing in nature.

Given the nature of the use for offices it is not considered that a significant amount of noise or light would be generated by the proposals in this instance. Furthermore, the site is located adjacent to other more industrial and commercial activities which would be considered to generate more noise and light pollution than an office.

In conclusion, the proposal does not give rise to any adverse impacts upon neighbouring residential amenity, subject to conditions, and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety:

Paragraph 109 of the NPPF states that 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.

Given the nature of the proposals the Council's Highways officers were consulted, and whilst there are no changes proposed to the vehicular and pedestrian access or parking area (3 spaces) highways officers sought clarification in respect to how many members of staff would be on site at any one time. The applicant's agent confirmed that whilst there are 20 members of staff there will be just 2-3 people in the office with other members of staff will be situated on sites as security guards. Highways officers raised no objections to the proposals, and whilst the application proposes no alterations to the existing retaining wall which bounds the site to the north (along Manchester Road), a footnote has been included which advises the applicant to contact the Council's Highways Structures team to ensure that the approval of this application, will not require written approval from the highways structures team for works near or abutting highway and any retaining structures.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other matters:

Biodiversity

Whilst it is acknowledged that the application site is within a Bat Alert Area, given the nature of the proposals and the construction of the existing building there is a low risk of impact to roosting bats. An informative has been included however to advise the applicant on what to do should roosting bats be found during construction works. A condition has also been recommended to ensure that a biodiversity net gain at the site can be achieved.

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, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is for small-scale alterations and extensions to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. The proposed development would therefore comply with policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2020/93974

Officer Recommendation: Approve.

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.

1. 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan.

2. The building hereby approved will include an integral bat roosting feature (1FR Schwegler Bat Tube or similar alternative) installed on the south or west elevation at a height of at least 3 metres and not directly above doors or windows. Hereafter the box shall be retained. Prior to occupation of the office hereby approved, photographic evidence

showing the correct installation shall be submitted to the local planning authority for approval.
Reason: To provide ecological enhancement in accordance with the requirements of Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

NOTE: Any retaining features affecting the highway will require formal technical approval by the Council as the Highway Authority. It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures Team for works near or abutting highway and any retaining structures. We would recommend providing details of all proposed retaining features and underground storage facilities (including pipes) to Farhad Khatibi (structures team leader 01484 221000) at the earliest opportunity, who will be able to advise you of the necessary requirements in more detail.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Survey	(0-) 01	-	20th November 2020.
Site Location Plan	(0-)02	-	20th November 2020
Scheme as Proposed	(0-)03A	A	4th March 2021
Design & Access Statement – Supporting Information	156	-	22nd March 2021

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Through the course of the application the agent submitted a revised layout plan outlining the car parking

proposed, this was in response to the comments received from KC highways development management.

Report Dated:

22/03/2021