

**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: 2021/62/90163/W

Site Address: Moorhouse Sheet Metals, Sudehill Mill, Sude Hill, New Mill, Holmfirth, HD9 7BL

Description: Change of use from light industrial with erection of first floor to create 4 bedroom house and 1 bedroom apartment

Recommending Officer: Stuart Howden

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 21-Jun-2021

Officer Report

Site Description

Moorhouse Sheet Metals, Sudehill Mill, Sude Hill, New Mill, Holmfirth, HD9 7BL

The application site comprises a vacant single storey industrial unit which formerly served Moorhouse Sheet Metals, and the building has a relatively sizeable footprint taking up much of the plot. The site slopes downwards from north east to south west, therefore the rear of the site is on higher ground. The building benefits from an undercroft level, which is served by windows on the front elevation, further down the hill towards the west of the building.

The building fronts Penistone Road (to the south of the site), and the front elevation of the building has a wide stone façade. The stone façade partly screens the glazed and corrugated metal saw tooth roof behind this from Sheffield Road. On the roof, are 6 vents which just exceed the height of the façade to the front. The rear and side walls of the building area constructed from natural stone, with the rear wall being saw toothed to match the roof pattern, with stone coping being used. Directly to the rear of the site is the highway of Sude Hill and between the rear elevation of the building and this highway is a small area of hardstanding. There is a modest single storey flat roof element protruding from the rear elevation of the main body of the building. A Public Right of Way (HOL/125/20) runs along the eastern boundary of the site, running between Sude Hill and Penistone Road, and there is access to this site off this right of way. Along the western side of the building is a stepped pathway between Sude Hill and Penistone Road.

There is a mixture of commercial and residential uses within the vicinity of the site. There is an industrial use directly to the west of the site (and the parking for this use is partially to the rear of the site), and this neighbouring building is separated from the application building by the stepped access between Sude Hill and Penistone Road. Beyond this are stone mill buildings of varying heights, which either serve commercial uses or residential uses. To the west and north west of the site are stone built residential properties. To the north and south of the site is open countryside, which is allocated as Green Belt.

The site is not within a conservation area and is not within very close proximity to a listed building.

Description of Proposal

Planning permission is sought for the change of use of the unit from light industrial to a four bedroom dwelling and one bedroom apartment, including the erection of a first floor extension to accommodate this.

Externally, it is proposed to replace the saw tooth roof with a first floor extension and an external terrace area above the existing building. The internal first floor area would have a flat roof above it and would be located to

the side and front of the building. The proposal would result in extending the building upwards approximately 1 metre higher than the existing façade to the front of the building. The stepped sides of the façade on the front elevation would be squared off as a result of the proposal.

The external terraced area is proposed relatively centrally of the proposed first floor extension and it is proposed to include a raised decked area. The external walls of the terrace area are to be constructed from natural coursed stone similar to the existing wall.

A flat roof first floor extension is proposed to an existing protruding element to the east of the building so as to provide a stairway to the proposed first floor. The flat roof of the single storey rear projecting element is proposed to be replaced with a saw tooth type roof with a similar pitch to the saw tooth roofs on the existing building, but it would be set slightly below this existing roof. The rear elevation of this porch area would be partially timber framed.

The walls of the extensions are proposed to be constructed from stone to match the existing building, whilst the flat roofs are proposed to be constructed from EPDM rubber and the pitched roof of the porch to the rear would be constructed from anthracite zinc composite. To the rear of the building, the saw tooth elevation of the building is proposed to be partly retained, and where first floor walls are proposed above this, glazing is proposed above this too and the coping stones are proposed to be retained, so that the saw tooth pattern would be delineated. Timber frames are proposed above parts of this glazing (the timber frames are also noted to be structural timber beams).

The existing openings on the main body of the building are proposed to be retained, but the windows replaced with powder coated anthracite PPC aluminium windows, with powder coated aluminium panels.

The four bedroom dwelling is proposed to be served by the entire ground floor, as well as part of the west side of the first floor. The one bedroom flat is proposed on the east side of the first floor, with access from the stairway to the east of the building. The dwellings would both overlook the terrace area at first floor level and would both share this area.

An integral garage is proposed, with access of the Public Right of Way to the east of the building. New external stairs are proposed from Sude Hill to the rear elevation of the porch.

It is understood that the undercroft/cellar area of the building is to be used as storage space.

History of negotiations/amendments received

During the processing of this application, Officers requested additional information and raised concerns regarding the following:

- Justification for the loss of the employment use.
- Concerns that this is not the most the efficient use of the building for residential purposes.
- A noise assessment given nearby commercial uses.
- Concerns over the relationship between the two properties proposed.
- Axonometric plans to understand the proposed alterations.
- Preliminary bat roost assessment.
- Greater detail regarding the materials proposed and the cellar

Of note, a preliminary roost assessment, noise assessment, axonometric drawings and further details of the cellar and finishing materials were provided, and Officers did not raise further concerns regarding these matters following the submission of these. Justification was provided for the loss of the employment use and the number of residential units proposed, and it was noted that the one bedroom dwelling would be linked to the other proposed larger dwelling (to be used by relatives). These addressed the concerns raised by Officers.

Relevant Planning History

Application Site

No relevant planning history on the application site.

Land directly to west

87/05772 – Extension and alterations to workshop – Approved on 19th February 1988.

88/02617 – Erection of extension to workshop – Approved on 29th September 1988.

97/93773 – Erection of first floor extension over yard area – Approved on 20th February 1998.

2011/93386 – Partial demolition and change of use and alterations to convert existing mill to 16 apartments and erection of circulation link with associated parking. Storage facilities and garages for adjacent properties to lower levels – Approved on 15th October 2013.

2015/92611 – Discharge of conditions 3, 5, 7, 8, 9, 10, 12, 13, 14, 15 & 17 on previous planning permission 2011/93386 – Approved on 2nd August 2016.

2015/93481 – Variation of conditions 2 (Plans) and 15 (Windows) on previous planning permission 2011/93386 for partial demolition and change of use and alterations to convert existing mill to 16 apartments and erection of circulation link with associated parking. Storage facilities and garages for adjacent properties to lower levels – Approved on 4th February 2016.

2016/92101 – Replacement windows with pvc to all elevations and erection of Juliette balconies to 2 elevations – Approved on 6th September 2016.

2016/92628 – Alterations to convert mill to 12 apartments including car parking, external works and demolition of link and part of rear extension – Approved on 11th April 2017.

Representations

Final publicity date Expires:

Neighbour letters expired on 8th March 2021. Press Notice expired on 5th March 2021. Site Notice expired on 15th March 2021.

4 representations objecting to the application have been received as a result of the above publicity:

- No justification for the loss of the existing industrial use.
- Need for affordable homes, not a dwelling of this scale.
- Design out of keeping with the area and would be no resemblance to surrounding development.
- No noise assessment.
- Concerns with the impact of the proposal on the manufacturing and commercial activities continuing at neighbouring properties (i.e. noise, odour and extracted materials).
- Concerns about standard of amenity of future occupiers.
- Overlooking and loss of privacy.
- Loss of light and air flow to neighbouring commercial property.
- Concerns of views from terraced area into sensitive areas of office space.
- Windows would overlook car parking, a storage area and bin store of a neighbouring commercial property, and concerns of security regarding this matter.
- Concerns about how this will impact upon traffic and parking.
- Concerns with limited parking in the locality.
- Disagree with KC Highways Development Management that the proposal would not increase levels of traffic on the roads given existing building is vacant.
- No detailed assessment on the impact upon the highway/traffic, or parking from the scheme.
- No heritage assessment.
- Neighbouring sites had to provide certain information.
- Health and safety concerns with terraced area.
- Right of access concerns.
- Concerns over construction phase, including the potential need to use neighbouring land.

Whilst further information has been submitted as detailed above, these have not changed the siting or overall design of the proposed development,

therefore it was not considered necessary to re-consult following the receipt of such plans.

Consultation Responses

Holm Valley Parish Council: Support the application.

KC Ecology: No objections subject to a condition.

KC Environmental Health: No objections subject to conditions.

KC Highways Development Management: No objections.

KC Public Rights of Way: No comments received.

The above is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning Webpage.

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 on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 8** – Safeguarding Employment Land and Premises
- **LP 11** – Housing Mix and Affordable Housing
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

Draft Holme Valley Neighbourhood Development Plan (2020-2031)

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

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 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 6** – Building a Strong, Competitive Economy
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **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

Other Material Planning Considerations

- Kirklees Highways Design Guide (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Draft Biodiversity Net Gain Technical Advice
- Draft Housebuilding Design Guide SPD

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity/environmental pollution
- 3) Impact on highway safety
- 4) Ecology
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is without notation on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is within the Kirklees Rural sub-area. The listed qualities will be considered where relevant later in this assessment.

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). 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.

1.2 – Acceptability of the Loss of Employment Use

Paragraph 80 of the NPPF states that: *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a*

global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

Policy LP8 of the Kirklees Local Plan states that within Priority Employment Areas, proposals for redevelopment resulting in a non-employment generating use, or for the conversion or change of use of sites and premises in use or last used for employment, will only be supported where:

- a. it can be demonstrated that the site or premises are no longer capable of employment use; and
- a. the proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.

The proposal would result in the loss of an existing employment use within an area comprising other commercial uses. Given this, Officers requested further justification, including details of marketing and whether other commercial uses had been explored for the building.

The applicant's agent responded noting that the building has not been used for several years and that the climate for commercial property is in decline, therefore it would be difficult to find a tenant to let the property out commercially.

The above response does not answer whether a marketing exercise has been carried out and without such evidence it is not clear whether it would be difficult to find a commercial use for the site. That being said, it does appear that the building has been vacant for some years. In addition to this, the site is not within a Priority Employment Area, and there are no Local Plan Policies which restrict loss of this particular commercial use. Thus, whilst unfortunate further justification has not been provided, it is considered that there is not a Policy basis for resisting the loss of the existing employment use, therefore the proposed loss of this use could be acceptable in principle.

1.3 – Acceptability of Residential Development & Efficient use of land

Policy generally seeks to support residential development upon unallocated sites and there is no strategic policy which restricts the type of residential development proposed.

However, LP7 relates to the efficient and effective use of land and buildings, and establishes a desired target density of thirty-five dwellings per hectare.

Two dwellings are proposed here, with one being a fairly spacious four bedroom dwelling. As a result, the applicant's agent was asked by Officers whether the site could be used more efficiently than this. The applicant's agent responded noting that New Mill is not really sustainable enough to accommodate a large number of apartments, and that this would result in more highway safety implications, including issues with parking.

Officers consider that New Mill is sustainable enough to accommodate more than two dwellings at this site, however understand the argument with potential pressures further apartments could have on the highway network. In addition to this, Officers consider that this could potentially negatively impact on the standard of amenity for future occupiers as well as the overall design of the scheme. Further to this, the target density set out within LP7 would equate to 1 or 2 dwellings being appropriate for this site, and two dwellings are indicated. Given the above, the quantum of development with respect to Policy LP7 is considered to be acceptable

However, a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against LP24 amongst other Policies, is undertaken below.

It is noted that a third party concern has been raised regarding the desire for more affordable housing in the locality. However, in accordance with Policy LP11 of the Kirklees Local Plan, as the scheme is for less than 10 dwellings, there is no requirement to provide affordable housing in this instance

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The existing building has a traditional industrial appearance and is sited close to an existing stone mill building. This industrial building benefits from an aesthetically pleasing stone façade facing Penistone Road.

The proposed extension in height of the building would increase the maximum height of the building by approximately one metre and would increase the bulk of the building, especially given the replacement of the saw tooth roof with a flat roof. However, the overall height of the building is not considered to be overly large, especially in relation to other dwellings in the location, notably

the mill buildings to the west of the site, some of which are 5 storey in height. Furthermore, it is considered that the proposed extensions would not result in an overly bulky building within the street scene, and the increase in volume would only relate to an addition of approximately 10.4%.

In terms of the appearance of the extended building, the loss of the stepped façade to the front is considered unfortunate as this is an aesthetically pleasing feature, but on the whole, the front elevation is proposed to be retained and slightly extended upwards. It is not considered that the extended front façade would appear peculiar, especially given the use of the matching materials and the retention of the openings. The style of the windows proposed to the front elevation is considered to be largely in keeping with the traditional industrial appearance of the building. It is considered that the front elevation building would still largely appear as a traditional industrial building. Further details of the stone can be conditioned so that the proposed stone blends sympathetically with the existing building.

The loss of the saw tooth roof would remove a feature that helps emphasise the building's traditional industrial appearance, especially from the east side elevation. However, it is considered that the flat roof on the building would not appear as an unusual or peculiar feature on such a building, especially given the use of matching stone (details of which are to be conditioned), and as noted above, it is considered that such an extension would not result in an overly bulky building.

Further to this, the saw tooth stone rear wall of the building is proposed to be partly retained, and where first floor walls are proposed above this, this saw tooth pattern will be delineated (with stone coping) and glazing is proposed above parts of this to help highlight this pattern, and this is considered to be an innovative approach to accentuate the building's past. The timber frame above this glazing is considered to be unfortunate given that such a material is uncommon on such buildings, but is only a minor component of the proposal. The replacement windows on the rear elevation are considered to be largely in keeping with the traditional industrial appearance of the building.

The proposed first floor extension of the existing east side extending element would be flush with the existing walls of this element, and would still be at a lower height than the main body of the building so as to appear subordinate to it. Given this, and that the walls are proposed extension are to be constructed from matching materials, it is considered that this element would not cause detrimental harm to the visual amenities of the locality.

It is considered that the proposed terraced area, and the external walls which wrap around this area would be visible from Sude Hill and the Public Right of Way to the rear of the building. As a result, it is considered that this would slightly complicate the simple functional form and appearance of the building thereby confusing the past industrial use of the building to a certain degree. However, the external terrace walls are proposed to be constructed from matching materials and the windows are considered to be sympathetic to the character of the building.

The addition of the zinc saw tooth roof on the porch element to the rear of the building is considered to be an acceptable addition, especially as it pays homage to the existing saw tooth roof of the main building and is of a similar pitch to this roof. However, the detailing of the rear wall of the porch element is considered to appear domestic and therefore slightly at odds industrial character of the building.

Despite some of the unfortunate domestic elements of the proposal, on the whole, Officers consider that proposal would result in an innovative re-use of a traditional industrial building, and the retention and emphasis of certain features would help emphasise the former use of this building amongst other commercial stone buildings. As a result of this, it is considered that that it would be a sympathetic feature within the street scene.

Given the above, and subject to conditions, it is considered that the proposed development would not cause detrimental harm to the visual amenities of the locality, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

However, given the limited external space around the building within the site and in the interests of preserving the traditional industrial appearance of the building, it is considered necessary to remove permitted development rights for extensions and outbuildings.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

No.67 Sude Hill

No.67 is located to the east of the site on the other side of the Public Right of Way. The west side elevation of this residential dwelling has 2 windows within it and these serve habitable rooms. However, whilst a slight increase in the height of the building is proposed, this east side wall of the main body of the building is ~24 metres away from this neighbouring west side elevation, and the building is on lower land to No.67. Further to this, no first floor windows are proposed in the east side elevation of the building. Given the orientation of the building to No.67, it is also considered that new clear views of No.67 would not be achieved from rear facing first floor rear windows or the terrace area. Given these factors, it is considered that the proposal would not cause undue harm to No.67 in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

No.66 Sude Hill

No.66 is located to the north west of the site, on the other side of Sude Hill. No.66 is approximately 18 metres away from the building at the site and is on higher land to it. Given this, and that this neighbouring building has no windows directly facing towards this site being set further up the lane, it is considered that views of No.66 from the proposed extended building would not be unduly harmful. It is considered that the proposed development would be sufficiently sited to prevent undue harm to No.66 in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Residential properties to the west

Whilst there are residential apartments to the west of the site at Sude Hill Mill, no first floor windows are proposed on the west elevation and the development would be mainly screened from these dwellings by existing development between the site and these apartments.

Impact upon the amenities of future occupiers.

It is considered that the proposed dwellings would benefit from adequate internal space, given that they would comfortably exceed the minimum recommended GIA for dwellings of their size as set out in the Nationally Described Space Standards.

Officers raised concerns about the relationship between the two residential units proposed, notably that windows within these units would face each other and only have a separation distance of ~13.5 metres, and that the amenity area on the roof would be shared. However, the applicant's agent has noted that the one bedroom apartment would be used by family members and would therefore be ancillary to the existing house. It is considered that this should be conditioned otherwise such a relationship is considered unacceptable as it would lead to a poor standard of privacy.

Whilst there would be no garden around the building given the limited space surrounding the site to allow for this, as alluded to, an external terrace area is proposed on the roof. Given that this measures ~13.5 metres by 7.6 metres this is considered to be sufficient private external amenity space for the occupiers of the development.

The site is located within close proximity to commercial premises, including Innorian, and given this there is potential for future occupiers to experience noise pollution. It is therefore important to be satisfied that occupiers can benefit from an adequate living environment in terms of noise.

Further to this, Paragraph 182 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Paragraph 182 goes on to note that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be

required to provide suitable mitigation before the development has been completed.

Given the above, Officers requested a noise assessment prior to the determination of the application. Following this request, a noise survey was carried out and submitted by the applicant's agent.

This submitted noise assessment outlines that a continuous unattended noise survey was carried out for over 24 hours over two weekdays with attended monitoring during a 16 minute morning period on one of these days.

The findings of the monitoring show the dominant noise source was road traffic on Penistone Road. No industrial noise sources were noted but there is an external fan associated with Innorian Research and Development to the west of the site which the author has assumed to only operate during office hours. Noise from this fan is accounted for in the noise measurements made on Sude Hill. The report outlines that the noise levels recorded exceed the relevant standard and therefore mitigation will be required. Based upon these levels, the required internal ambient noise levels cannot be achieved using openable windows for natural ventilation. The required internal ambient noise levels can therefore only be achieved with closed windows, and background ventilation will need to be provided via alternative means. Recommendations are made for the building envelope, façade including glazing and the roof.

There is an external amenity area at first floor level, which will be fully screened from Penistone Road by the building structure. The anticipated daytime ambient noise level in this location is therefore 53dBLAeq,T which is compatible with the recommended levels in BS8233.

Following this, the Council's Environmental Health Officer (EHO) has noted that the findings of the report are accepted but clarification is sought on the hours of operation of the external fan associated with Innorian as this will have an impact on evening/night time noise levels if it operates outside of 'office hours'. In response to this, the applicant's agent noted that even if the fan ran at night time, the levels would still be acceptable with the mitigation outlined.

The EHO also noted that consideration must also be given to minimising the level of noise to the external amenity area at first floor level as whilst it meets with the standard, it is towards the upper end of the acceptable level of noise and consideration should be given as to how it may be possible to bring this level down to the lower end. In response to this, the applicant's agent has noted that whilst it would be desirable for it to be lower, they feel there is little that can be done to reduce the noise level here.

In conclusion that EHO notes that conditions will be required to ensure the occupiers of the development benefit from an adequate standard of amenity. That is, prior to the first occupation of the dwelling, all works which form part of the sound attenuation scheme as specified in the Noise Report shall be

implemented as well as the submission of a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels. Officers see no reason to disagree with the EHO and it is considered that such conditions are necessary, and it is also considered that the proposed development should not result in unreasonable restrictions being placed on neighbouring commercial premises.

A third party has also made reference to nuisance from odour and extracted materials from the nearby commercial premises. However, Officers do not consider that these factors will have an unacceptable impact upon the living environment of the proposed occupiers, especially as there are a number of residential properties surrounding the site, notably at Sude Hill Mill which is adjacent to these same commercial premises.

Impact upon the amenities of commercial premises to the east of the site

A number of concerns have been raised by a third party about the impact upon the commercial premises to the west of the site. Commercial premises do not tend to benefit from the same level of protection that residential properties benefit from in terms of their amenity, but the impact on commercial premises to the west will be assessed below.

Of note, a third party has raised concerns regarding overlooking into the neighbouring office space to the west of the site and the viewing of confidential information. However, no windows are proposed on the west elevation. Whilst there may be windows and a terraced area to the rear, views of the neighbouring windows of the commercial premises would be oblique ones at best due to the orientation of the site to this commercial use.

It is also noted by a third party that the rear facing windows would overlook car parking, a storage area and bin store of a neighbouring commercial property, and there are security concerns with this. Officers fail to see how overlooking a bin storage area and car park of a neighbouring commercial area would relate in any security or safety concerns. The storage area referred to has blank elevations and again, Officers do not consider that this would fundamentally impact upon the security of the commercial premises this belongs to.

In addition, a third party raised concern regarding the loss of light and air flow to a neighbouring commercial property. In terms of light, the next door property which accommodates Innorain gains natural light from the front and rear elevations which are not set behind the building subject of this application. It is noted that there are rooflights within the roof space of Innorain as well as second floor windows within the east elevation of the next building along (approximately 10 metres away from the site), but it is considered that the impact upon the light these windows buildings would receive would not materially impact the running and viability of companies operating from these premises. Officers also do not believe that the increase in height of the building proposed would have such a negative impact upon the air flow of the neighbouring commercial premises where it would

materially impact the running and viability of companies operating from these premises.

Given the above, it is considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – 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.”*

Third party concerns regarding highways safety have been noted, especially in relation to whether the amount of on-site parking is adequate and the potential for on street parking.

An integral on-site parking area is displayed to the east of the building (accessed from the un-adopted access road between Penistone Road and Sude Hill and which also carries a Public Right of Way), and the plans display this accommodating 3 vehicles.

Kirklees Highways Development Management (HDM) has stated that whilst the existing vehicular access is narrow and far from ideal, they consider that the previous commercial use of the site would have the potential to generate more traffic and more HGV traffic than the proposed residential use. As a result of this HDM have not objected.

A third party has noted that they disagree with the comments of HDM as the site is vacant therefore the proposed residential use would result in more traffic on the local road network than existing. However, it is pertinent to note that the building could be brought back into an industrial use without planning permission and Officers agree with HDM that this would likely result in generating more traffic than the proposed use.

In relation to on-site parking, the arrangement does look tight, and Officers hold the view that it is unlikely that 3 vehicles could be parked in this integral garage area, and that parking 2 vehicles in there may prove difficult. Nonetheless, given that the site is for a 4 bedroom dwelling with an ancillary unit, and that the lawful use of the building is likely to result in a greater amount of off-street parking, this situation is considered acceptable.

In conclusion, Kirklees HDM have not objected to the proposal on highways safety grounds and Officers see no reason to disagree with this.

Officers consider that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network. The proposal is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Ecology:

Ecology

No ecological information was initially submitted alongside the application. However, the site is adjacent to the Kirklees Wildlife Habitat Network (KWHN) and within a bat alert zone, and there is a record of maternity colony bats within 100 metres of the site. Given the above and the proposal would affect the roof and interior of the building, KC Ecology noted that the proposal has the reasonable likelihood of causing disturbance to bats. KC Ecology therefore recommended the submission of Preliminary Roost Assessment or Bat Scoping Survey prior to the determination of the application.

Following this, the applicant's agent submitted a Preliminary Roost Assessment. This concludes that the building was assessed as having 'low habitat value' for supporting roosting bats, and recommended that one bat emergence or re-entry survey is carried out to confirm the presence or likely absence of a bat roost in the building.

A Bat Emergence Survey was therefore carried out and submitted to the LPA. This concludes that no bats were seen emerging from the building during the survey, and as such there is no confirmed roost within the building, and recommendations are provided in this report to mitigate harm. The report also outlines biodiversity enhancements.

KC Ecology has noted that the results from the activity surveys are acceptable and that they have no objections subject to the recommendations outlined within the Bat Emergence Survey being implemented in full and all features created retained in that manner thereafter. Officers see no reason to disagree with KC Ecology and it is considered that the proposal would unlikely cause harm to protected species and would provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Other Matters

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 predates 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.

Normally one electric vehicle charging point per dwelling would be sought to aid in the contribution to climate change. However, given that one of the units is to be ancillary to the larger dwelling and given the tightness of the integral garage, one vehicular charge point will be conditioned.

Potentially Contaminated Land

This site has been identified on the Council's mapping system as potentially contaminated land due to its former use as Sude Hill Mills (ref: 56/22). Kirklees Council records also indicate that it is located within 250m of a former landfill site where there is the potential for ground gas migration. The Environmental Health Officer has noted that due to the change of use from light industrial to dwelling which is a sensitive end use, staged contamination conditions are required. This matter can be conditioned should permission be granted and the applicant's agent has agreed to such conditions.

Construction Practices

The Council's Environmental Health Officer has requested that construction site working times are conditioned. Given that construction practices are covered by other regulations it is not considered necessary or reasonable to attach such a condition, but an informative regarding such practices can be attached instead. It is also noted that construction is a matter of concern to some third parties, but this is not a material planning consideration in the assessment of this application.

7 – Representations:

4 representations have been received objecting to the application. A number of the comments raised have been addressed in the above assessment. Any other comments will be addressed below:

Third Party Comment: A Heritage Statement should have been submitted.

Officer Response: The site is not within a conservation area and there are no listed buildings within very close proximity to the site. It is considered that a Heritage Statement is not required and that the proposal would not harm the significance of any Designated Heritage Assets or their setting.

Third Party Comment: Neighbouring sites had to provide certain information to obtain planning permission.

Officer Response: Further information was requested for certain matters during the processing of the application. However, it is important to note that different sites have different constraints and Officers only requested information they deemed necessary to the assessment of this application. It is also important to note that a number of other conditions relating to neighbouring sites were not assessed under the Kirklees Local Plan adopted in 2019.

Third Party Comment: Health and safety concerns with the terraced area and right of access concerns.

Officer Response: These are not considered to be material planning considerations in the assessment of this planning application.

8 – 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, that on balance and subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/90163

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.

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 with Policies LP3, LP7, LP8, LP11, LP20 LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 4, 5, 6, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Prior to the construction of extensions hereby approved, details of all the external facing materials of the extensions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwellings shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of visual and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to the first occupation of the dwelling hereby approved, and notwithstanding the hard landscaping details in Drawing No. 1.2 Revision B, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for hard landscaping the site shall include:

- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps; and
- the position, height and materials of means of enclosure/boundary treatments including privacy screens.

The hard landscaping elements shall be retained as such thereafter.

Reason: To ensure the creation of a pleasant environment for the development, in the interests of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Prior to the first occupation of the dwelling hereby approved, one electric recharging point shall be installed within the dedicated integral parking area of the dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a

maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

6. 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 any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition to ensure that any matters regarding contamination are appropriately dealt with before works progress in the interests of protecting the future occupiers.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, 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 any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition to ensure that any matters regarding contamination are appropriately dealt with before works progress in the interests of protecting the future occupiers.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, 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 site is fit to receive new development and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition to ensure that any matters regarding contamination are appropriately dealt with before works progress in the interests of protecting the future occupiers.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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: So as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. 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: So as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, all works which form part of the sound attenuation scheme as specified in the Noise Report authored by dBx Acoustics Ltd dated 1 April 2021 (Ref 21030 Sude Hill, New Mill R01):

- a) shall be completed; and
- a) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To ensure that the future occupiers of the development hereby approved benefit from an adequate standard of amenity and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 National Planning Policy Framework.

12. Prior to the first occupation of the development hereby approved, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing

by the Local Planning Authority. The ventilation scheme shall show how habitable rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. All works which form part of the approved scheme shall be completed prior to occupation of the development and retained as such thereafter.

Reason: To ensure that the future occupiers of the development hereby approved benefit from an adequate standard of amenity and in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 National Planning Policy Framework.

13. All ecological measures cited as recommendations in Section 4.2 (Evaluation) of the Bat Emergence and Re-entry Surveys report by Arbtech (dated 21st May 2021) shall be implemented in full and all features created will be retained in that manner thereafter.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Any new rainwater goods shall be cast iron or aluminium painted black, unless alternative details are submitted to and approved by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

15. The one bedroom unit on the first floor hereby approved, displayed on Drawing No. 1.2 B, shall be used solely as ancillary accommodation to the 4 bedroom dwelling hereby approved and as such shall not be sold, leased or used as an independent dwelling unit.

Reason: The site is unsuitable to accommodate two such separate dwellings without causing harm to the amenities of the occupants of the adjoining dwellings, and in order to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To prevent further development of the site, which could materially harm the visual amenity of the site and the amenity of neighbouring residents, to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: 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:

01484 221000) 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.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: The applicant is reminded that, due to the location of the public right of way (HOL/125/20), the public footpath must not be impacted on as a result of works associated with this permission and it will need to remain clear and accessible at all times. No temporary obstructions including any materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the public right of way that may obstruct or dissuade the public from using the public right of way whilst the development takes place.

NOTE: Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

NOTE: 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.

NOTE: In relation to condition 12 a ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise

Insulation Regulations 1975 is likely to be acceptable. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: 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.

NOTE: In relation to Electric Vehicle Charging Points:

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is 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 socket outlet would 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	18 th January 2021
Location Plan	1.4	-	18 th January 2021
Existing Floor Plan and Existing Elevations	1.1	-	18 th January 2021
Proposed Elevations and Floor Plans	1.2	B	24 th February 2021
Volumes and Areas Plan	1.3	-	18 th January 2021
Visual Perspectives	-	-	24 th February 2021
Proposed Parking Plan	1.5	-	24 th February 2021
Proposed Terrace Elevations	1.6		17 th June 2021

Basement Plan	1.7	-	17 th June 2021
Preliminary Roost Assessment Survey by Arbtech dated 6 th April 2021	-	-	7 th April 2021
Bat Emergence and Re-Entry Surveys by Arbtech dated 21 st May 2021	-	-	22 nd May 2021
Noise Impact Assessment by dBx Acoustics dated 1 st April 2021	-	R01	5 th April 2021
E-mail received from applicant's agent regarding materials of external walls of terrace area	-	-	17 th June 2021
E-mail received from applicant's agent regarding materials for window panels	-	-	17 th June 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 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 processing of this application, Officers requested additional information and raised concerns regarding the following:

- Justification for the loss of the employment use.
- Concerns that this is not the most efficient use of the building for residential purposes.
- A noise assessment given nearby commercial uses.
- Concerns over the relationship between the two properties proposed.
- Axonometric plans to understand the proposed alterations.
- Preliminary roost assessment.
- Greater detail regarding the materials proposed and the cellar.

Of note, a preliminary roost assessment, noise assessment, axonometric drawings and further details of the cellar and finishing materials were provided, and Officers did not raise further concerns regarding these matters. Justification was provided for the loss of the employment use and the number of residential units proposed, and it was noted that the one bedroom dwelling would be linked to the other proposed larger dwelling (to be ancillary). The above addressed the concerns raised by Officers.

21.06.2021

Report Dated: dsffsdf