

**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: 2021/62/91975/W

Site Address: Croft House Surgery, 1145, Manchester Road,
Slaithwaite, Huddersfield, HD7 5JY

Description: Redevelopment of Croft House Surgery with
demolition of existing 2 storey flat roof car port / office
building, alterations to existing building to form 4
residential units and erection of 2 dwellings (within a
Conservation Area)

Recommending Officer: William Simcock

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: 19/11/2021

Officer Report 2021/91975

Croft House Surgery, 1145 Manchester Road, Slaithwaite

Site Description

The site comprises the former Croft House Surgery and associated land. The surgery building is a large two-storey house with an ashlar frontage and a hipped slate roof which is built on to the end of a terraced row (Commercial Street) and with its main elevation facing north towards Manchester Road. It has a modern flat-roofed extension at its western side (right as viewed from the main road) which is at ground floor and understorey level. In front of the building, the western half of the site consists of a parking area with access to Manchester Road, the eastern half is landscaped with a path up to the front door of the main building. Immediately to the west of the site is Kitchen Clough through which Bradley Brook flows. Nos. 4 & 12 Commercial Street, a pair of back-to backs, adjoin the surgery, and are within the same ownership, and the land immediately behind them is both within the applicant's ownership and forms part of the application site.

Description of Proposal

The proposal is for:

- The demolition of the existing flat-roofed side extension;
- The conversion of the surgery building to 4 no. apartments.
- The erection of a pair of semi-detached houses on land to the west of the main building.

The apartments would all be single-bedroom with an open-plan living area. Windows in the front elevation would be replaced but other than this there would be no external changes shown on the drawings.

The proposed new dwelling houses would be 4.9m high to eaves, and would have a double-pitched gable roof which would be 7.9m to the ridge. They would be positioned 7.9m from the rear or southern boundary of the site. The accommodation would comprise an open-plan living, kitchen and dining area at ground floor, and two bedrooms and a bathroom at first floor. Total floor area would be 82sqm per dwelling.

The existing gateway to Commercial Street would be infilled. A new boundary wall would be erected at the corner and on the Manchester Road frontage which would partially replace the existing garden wall, and the land west of the main entrance to the surgery excavated to form parking spaces for the flats (one per unit). Another four parking spaces would be provided to serve the two new houses, and one visitor space.

History of negotiations/amendments received

- 15-Sep-2021: Amended plans and elevations submitted
- 27-Sep-2021: Arboricultural report submitted
- 25-Oct-2021: Amended plans clarifying the measurement to the rear boundary and bringing the two new houses slightly further forward.
- _____ Slight revision to parking layout and correction to plans and elevations to show west-facing windows to flats.

The above were not re-advertised for public comment since the first modification to the plans represented a reduction in the scale of the proposed development overall and subsequent changes were not considered to raise substantial new planning issues.

Relevant Planning History

None.

Representations

Final publicity date expires: 25-Jun-2021.

Was publicised by site notice and press advertisement in addition to neighbour notification letters since the application was deemed to affect a Conservation Area or its setting.

One comment received. Summary of concerns raised:

- With the increased traffic volume, and restrictive parking in the area, why do the plans not incorporate underground parking facilities in the building design? It is commonplace in many new buildings on the continent. This area is already affected by parking on the crossing lines and this is a busy junction.

Consultation Responses

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

- Environment Agency – No objection in principle.
- KC Highways Development Management – Off-street parking should be in line with Highway Design Guide, and bin storage and collection pads, should be shown. Subsequent comments – parking layout now acceptable but bin and cycle storage is not.
- KC Environmental Health – Acceptable subject to conditions.

- KC Police Architectural Liaison Officer – No objections.
- KC Conservation & Design – No objections.
- KC Arboricultural Officer – No objection to tree removal but further details of landscaping / mitigation required.
- KC Ecology – Acceptable subject to conditions.

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 within land designated as Strategic Green Infrastructure Network and also within Slaithwaite Conservation Area. It is 65m from Slaithwaite Town Centre.

It is considered that the scale and nature of the development does not raise access or Equality Act considerations.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 31:** Strategic Green Infrastructure Network
- **LP 33:** Trees
- **LP 35:** Historic environment
- **LP 48:** Community facilities and services
- **LP 52:** Protection and improvement of environmental quality

Supplementary Planning Documents:

- KC Highways Design Guide 2019

The following SPDs were adopted on 29th June 2021 can be viewed on the council's website at <https://www.kirklees.gov.uk/beta/planning-policy/adopted-supplementary-planning-documents.aspx>:

- Housebuilders Design Guide Supplementary Planning Document,
- Open Space Supplementary Planning Document

These are now a material consideration in the determination of planning applications.

The following two documents have also recently been approved by Cabinet and these can be viewed at: <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 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
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of 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. LP1 goes on further to stating that:

“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.”

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.

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".

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 policies and material planning considerations considered below.

Under Policy LP31, development proposals should ensure:

- i. The function and connectivity of the green infrastructure network is retained or replaced;
- i. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate;
- ii. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
- iii. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

The development would lead to a modest net increase in built footprint but it would not intrude into the adjacent woodland or other green or semi-natural landscape. It is considered therefore that it would not affect the function or connectivity of the network. The scale and layout of the development would not be conducive to providing new green infrastructure or new connecting links to the Core Walking and Cycling Network. The development is therefore considered to be appropriate in principle under LP31. Implications for trees and biodiversity will be considered in detail later in the Assessment.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. This is also reflected in NPPF Chapter 16 and

LP35 which require that development should not be permitted if it would give rise to loss of significance of heritage assets, unless there is a proportionate justification for the harm caused.

The proposal will be further assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.
- LP30 – Development to incorporate biodiversity enhancement measures.
- LP33 – Trees and woodlands of significant amenity should be protected.
- LP48 – Loss of community facilities will only be allowed if there is no longer a need for the facility, it is no longer viable, or there is adequate alternative provision to serve the local community.

Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places. The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments.

Also of relevance is Chapter 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

The application would result in a total of 6 dwellings in an area of 768sqm which would amount to a density of 78 units per hectare, or approximately twice the recommended minimum density specified in LP7. Since it would be seen mainly in the context of existing high-density development, this is

considered acceptable in principle and the proposal can be considered to comply with the aims of LP7 and Chapter 11.

The development is therefore considered appropriate in principle subject to an assessment of heritage, amenity, highway safety, environmental and other criteria, to be examined in detail below.

2 –Impact on visual amenity: The following Principles within the Housebuilders' Design Guide SPD are highlighted as being particularly relevant for the purposes of this report:

Principle 2

New residential development proposals will be expected to respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality; Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details; Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

Principle 5

Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography. The arrangement of buildings should consider maintaining privacy and residential amenity. Effective boundary treatments should be used to form defensible space and delineate between public and private realm. Buildings should be arranged to take account of weather and microclimates

Principle 8

The transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.

Principle 14

The design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Innovation for energy efficiency is encouraged, particularly for maximising solar gain to allow for passive solar construction.

The main surgery building is of traditional appearance and contributes positively to the character of the Slaithwaite Town Centre Conservation Area. The existing two-storey extension to the building is clearly modern and does not relate well to the host building or wider area, and its removal would be a benefit. The Conservation Area is dominated, generally speaking, by high-density development, but this part of the Conservation Area – that which lies along the southern frontage of Manchester Road either side of Commercial Street – is characterised more by individually-designed Victorian houses, semi-detached houses and short terraced rows, with formal landscaping, trees and other semi natural space making an important contribution to the street scene.

The erection of three dwellings as shown on the original plans would have amounted to overdevelopment of the site and would have related poorly to the appearance and character of the existing building and the street scene. In particular, the aspect that units 2-3 would present to Manchester Road, with their tiny windows and large front porches, unit 1 being a bungalow with its main elevation at right-angles to the highway rather than facing it, would have made them very unsympathetic to their surroundings.

The amended plans are considered acceptable in terms of scale, layout and design, since they would not dominate the site and despite the inclusion of at least one modern feature – the upper-floor cantilevered gable – their proportions and design details, including fenestration and roof style, would respect and harmonise with their surroundings. It is considered that the development would adhere to the above principles set out in the Housebuilders' Design Guide and that it would respect and enhance the character of the Conservation Area. The conversion of the existing surgery building would assist with its long-term conservation by finding an economically viable use for it, which would assist in maintaining the character of the Conservation Area.

The standard condition on materials – that samples be submitted for inspection and approved – should be imposed. Since they would be quite prominent from the public highway and set among traditional-style development, it is recommended that gutters are of traditional profile, supported by corbels or brackets, that window heads, cills and mullions are of natural stone.

Subject to this it would accord with the aims of LP24a, LP35, NPPF Chapter 16, and the relevant parts of the Housebuilders' Design Guide SPD.

3 – Impact on residential amenity:

Proposed new semi-detached houses:

The proposed new semi-detached houses would have their outlook to the north, towards the front of the site, and to the south, towards the rear. The northern outlook would not compromise the privacy of any existing properties as it would be separated by considerably more than 21m from the facing elevations of no. 1440-42.

The rear elevation would be only 6.2m from the rear boundary of the site, beyond which is the rear garden of no. 14 Commercial Street. The distance from the new bedroom window to the existing habitable room windows would be about 11m and 15m respectively. Normally a greater distance from habitable room windows to a neighbouring garden would be desired, in line with the norm of 10.5m in the SPD. It is noted however that whilst being two-storey, the new dwellings would effectively be a full storey in height below 14 Commercial Street, so that their own upper floor would be on approximately the same level as no. 14's ground floor accommodation. The angle between the windows would further limit mutual overlooking. The upper floor windows would still be of a height to look out over the existing residential gardens to the south, but it is considered that with the applicant's screening proposal as shown on the latest plans, any effect on privacy for existing residents would be minimal.

12 Commercial Street, another back-to-back house that has its rear elevation abutting the rear boundary of the site, would also overlook the rear garden of the proposed adjacent dwelling and be overlooked by it, with the distance between its main rear window and the proposed bedroom window being about 8m, diagonally; whilst this arrangement is not ideal in terms of privacy, it is considered that it can be accepted in this case since the site plan shows it to be within the applicant's ownership, and any prospective purchaser of the new dwelling, or a future tenant of no. 12, would be aware of the situation and accept it.

The two new dwellings would cast a shadow mainly to the north or front of the site rather than the south or rear, and it is considered that any impact on direct sunlight to near neighbouring properties would be very minor and the overall mass and visual impact would not be perceived as overbearing.

Considering the likely level of amenity the new houses would offer to future residents, it is noted that light and outlook would be somewhat limited for the ground floor accommodation at the rear (kitchen and dining room) because of their relationship with ground level. The living room would have an outlook at the front but it would only be across the small enclosed yard, and beyond that, the parking and vehicular access areas. Whilst a finely-balanced case, it is considered acceptable, since the south-facing windows and garden would be in a position to benefit from direct sunlight, at least in the summer months, and it would be the best layout achievable for developing this site.

The amount of amenity space available to the eastern dwelling (the one closer to the surgery) would be rather small but given that it is set among high-density development with only very small front and back gardens (especially in the case of 3-11 Commercial Street opposite) it is considered that it would be compatible with Principle 17 of the housebuilders' design guide SPD in that the outdoor amenity space would be functional and proportionate to the size of the dwelling and the character and context of the site.

The aggregate internal floorspace slightly exceeds the minimum set out in the Nationally Described Space Standards.

Proposed conversion of surgery building to flats:

Two of the flats would have windows facing out on to Commercial Street and on to the forecourt, towards Manchester Road, which would provide them with a good level of light and outlook. The east-facing windows would face towards the opposing property (accommodation above a convenience store) roughly 10m away. Under the SPD, a 21m separation is only required as standard for facing windows at the rear. 10m is still less than ideal, but given that existing overlooking distances along Commercial Street generally close (13-14m is typical) it would be difficult to justify a refusal on such grounds.

The other two apartments, those in the western half of the building, are more limited in terms of light and outlook. The living room would have a north-facing window providing a relatively open outlook and a source of natural light. The west-facing bedrooms would have however look out onto the areas belonging to the new dwelling therefore potentially leading to mutual overlooking. This could be overcome by making the windows walled up half way to make them, in effect, high-level, or having obscure glazing in the lower half. It would be preferable to make the lower half obscurely glazed and non-opening because this would still let in light and reduce the occupants' dependency on natural light. This would mean that the parts of the window providing an outlook would be over 1.6m above internal floor level.

In conclusion, the scheme as conditioned is considered acceptable.

Potential noise issues:

The proposed development immediately adjacent to the A62 Manchester Rd. The plans show no noise mitigation measures for the proposed development. There are concerns that future occupiers at the development may be negatively impacted by noise from road traffic whilst inside the property. The applicant must demonstrate that acceptable sound levels can be achieved in indoor and outdoor amenity areas. The standard condition on submission of an acoustic report is therefore recommended.

Residential amenity – conclusion:

In conclusion, it is considered that the development would, subject to conditions, provide a satisfactory level of amenity for future residents in all 6 dwellings, whilst not detracting from the amenity experienced by existing properties, thereby according with the aims of LP24(b).

4 – Impact on highway safety: A total of 9 parking spaces would be provided (8 for residents, one for visitors). This provides parking in line with the recommendations in the Highways Design Guide SPD. The SPD advises that frontages should not be dominated by parking. In this instance, approximately half the existing garden would be lost to parking spaces, but the plans show there would be a boundary wall which would provide a degree of visual separation from Manchester Road so in terms of visual impact the arrangement is judged acceptable. The arrangement is somewhat tight because manoeuvring is restricted by the existing subway and the new front garden boundary wall, but the Highways Officer only expressed concern about the arrangement of spaces 1 and 2, which have now been amended, widening the first space to allow more room for manoeuvring. There would be room for vehicles to turn within the site.

Provided that the areas are provided and marked out before first occupation, are retained and kept clear of obstructions, which can be conditioned, the development would avoid any impact on the free and safe use of the highway and accord with LP21-22.

5 – 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 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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. The site is however in a location that is better than average in terms of its sustainability in that it is within walking distance of Slaithwaite Town Centre which provides a range of shops and services, and is very close to a bus stop with a frequent service to Huddersfield Town Centre.

Opportunities for passive solar heating will be somewhat limited for the two new houses given that one of the two main elevations faces north and the other is somewhat obscured by the rising land.

However, the agent has agreed that on-site renewable energy generation can be secured in the form of solar panels on each new dwelling. This can be

conditioned, specifically a standard small solar array (8sqm). In general, solar panels are more effective on a south-facing elevation, but in this case there is possibly a more open aspect to the north than the south, so the decision of precisely where to install them can be left to the developer.

Furthermore, adequate provision for an electric vehicle charging point would be secured by condition, comprising one per dwelling with allocated parking spaces, (i.e. 6 in total).

It is considered, subject to this, that the development demonstrates acceptable levels of sustainability from the point of view of promoting carbon reduction.

Trees and biodiversity:

There is an area Tree Preservation Order in force on the far bank of the river west of the site and a single tree within the site covered by a TPO (10/80/T17). There are several other mature trees within the site which are automatically protected by the site's Conservation Area status. An Arboricultural Impact Assessment has been submitted which finds that the trees are of poor quality or in poor health, including T2 which is covered by a TPO, and recommends their removal. The trees, if retained, would contribute to shading of the future development's amenity space, and to some degree their rear windows, so it would be sensible to remove them in the interests of the amenity of future residents. The Arboricultural Officer concurs with the findings of the Assessment including that the retention of T2 would be ill-advised.

The site is adjacent to Wildlife Habitat Network. It is also in the Bat Alert Layer and in an area in which there are swift nesting records. The development would have no direct impacts upon the Wildlife Habitat Network, since the trees recommended for removal are outside this designation. The Ecology Officer has expressed the view that the trees are unlikely to have bat roost potential. The existing buildings, based on officer observations on site, have no evident bat roost potential and therefore a survey has not been requested.

It is recommended that permission is granted subject to a condition requiring the submission of a landscape and ecological management plan. This can be used to secure appropriate replacement tree-planting as well as other enhancements such as bat roost features.

Subject to this it would accord with the aims of LP30-31 and NPPF Chapter 15.

Boundary treatments:

The latest plans do not indicate what the proposed boundary treatments to the rear garden boundary to the two new dwelling houses would be. Based on site observations, the existing garden wall is not high enough to prevent mutual overlooking between the proposed rear-facing bedrooms and the adjoining gardens. Details can be required by condition. In the interests of visual amenity and the character of the Conservation Area, it is recommended

it be conditioned that any new or rebuilt boundary walls match the highway boundary wall to Commercial Street in terms of materials and copings.

Refuse collection:

The bin store, also functioning as a cycle store, would be at lower ground floor level so that it would be accessible from highway level without having to carry or drag bins up and down steps. (The steps shown are actually leading up from pavement to garden / upper ground floor level, not down to basement level). The provision of this area and its subsequent retention can be conditioned.

Drainage:

The application form leaves open the option of surface water disposal being disposed of by means of mains sewer, an existing watercourse, or a sustainable urban drainage system. Given the very small net increase in built footprint, it is considered that impact of additional run-off would be very minor and it would be disproportionate to require full details of a drainage scheme including attenuation storage, and this will therefore not be conditioned, in accordance with the approach that has been taken on similar small housing developments since the adoption of the Local Plan. However, the consent of the Environment Agency will be required to discharge to Bradley Brook, or for any works close to it, since it is designated a “main river”.

A small part of the site is within Flood Zones 2 & 3 according to the Environment Agency and Kirklees Strategic Flood Risk Assessment maps. This would not however affect any of the developable area of the site, but only the garden of the westernmost of the two new houses. The Environment Agency have no objections to the proposal and it is considered that a site-specific flood risk assessment would serve no useful purpose in this instance.

Crime prevention:

The Police Architectural Liaison Officer, who was consulted, had no objections to the proposal and did not recommend any conditions. The applicant can be alerted to the advice given in a footnote.

The bin / cycle store has a gate at the entrance which would presumably be lockable so as to provide secure storage and prevent misuse.

It is therefore considered to accord with the aims of LP24(e).

6 – Representations: One representation has been made. The issues raised are highlighted below with officer comments.

- With the increased traffic volume, and restrictive parking in the area, why do the plans not incorporate underground parking facilities in the building design? It is commonplace in many new buildings on the continent. This area is already affected by parking on the crossing lines and this is a busy junction.

Response: Underground parking would require substantial excavation, which might present both practical difficulties and would not necessarily harmonise with the Conservation Area.

7. Conclusion

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

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

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2021/91975

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be left on site for the inspection and approval in writing by, the Local Planning Authority, before work on the superstructure of the dwelling commences and the development shall be implemented using the approved materials.

Reason: In the interests of visual amenity, to protect and enhance the Slaithwaite Conservation Area and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

4. Window heads, cills and jambs shall be of natural stone.

Reason: To ensure that the development conserves and enhances the character of the Slaithwaite Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. Gutters shall be of traditional profile and shall be supported by stone corbels or metal brackets not fixed to a fascia board.

Reason: To ensure that the development conserves and enhances the character of the Slaithwaite Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

6. Any new boundary walls to the site shall be constructed of coursed natural stone to match in all respects that used on the existing highway boundary walls and shall have natural stone copings to match those on the existing boundary wall to Commercial Street.

Reason: To ensure that the development conserves and enhances the character of the Slaithwaite Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

7. Before the new dwelling is first brought into use, all areas to be used for the parking and turning of vehicles shall be laid out with a hardened and drained surface and the parking spaces marked out. Any new or replacement hard surfaces shall be in accordance with the Communities & Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance before the dwelling is first occupied, unless arrangements have been made for run-off water to drain to a soakaway within the curtilage or to a watercourse. Thereafter these areas shall be retained free of any obstruction.

Reason: To ensure a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk through increased run-off, and to accord with the aims of Policies LP21-22 and Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. The proposed secure bin and cycle store shown on the approved site plan shall be provided in accordance with the details shown before any of the proposed apartments are first occupied, and thereafter retained as such.

Reason: To ensure that satisfactory facilities are provided for the separation and collection of wastes, to facilitate the use of low impact means of transport, and to accord with the aims of Policies Policy LP24(d)(ii&vi) and LP24(e) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. Before development commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

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

Reason: To ensure that future occupants have adequate protection against noise disturbance and to accord with the aims of Policies LP24(b) and LP52

of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Notwithstanding the details on the proposed elevational drawing, the west-facing bedroom window apertures in the proposed apartments shall be fitted with windows in which the lower half is fixed (non-opening) and also fitted with obscure glazing to provide a grade 5 degree of obscurity, before the apartment to which it relates is first occupied. Windows of this type shall be retained at all times.

Reason: To prevent the development giving rise to mutual overlooking in the interests of the residential amenity of future occupants, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

11. Notwithstanding the details on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority of the existing and proposed boundary treatments for the southern (rear) garden boundaries to units 1 & 2 before either of these two units are first occupied. The approved screening measures shall be constructed or erected before the dwelling to which it relates is first occupied and thereafter retained.

Reason: To protect the privacy of existing and future occupants, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

12. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no extensions or outbuildings falling within Classes A, B or E of Part 1 of Schedule 2 to the aforementioned Order shall be erected or constructed within the land edged in red on the site location plan at any time.

Reason: To maintain adequate planning control over the site in order to ensure that inappropriate extensions or outbuildings do not detract from visual amenity, the character of the Slaithwaite Conservation Area, or the residential amenity of neighbouring occupiers, by reason of poor design or overdevelopment, and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

13. Before work commences on the superstructure of the new dwellings, an ecological design strategy (EDS) addressing means of providing ecological enhancement, including, but not restricted to, compensatory tree planting, shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a. Purpose and conservation objectives for the proposed ecological works.
- a. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- b. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.

- c. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- d. Details of maintenance.
- e. Details of how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not negatively impact the Kirklees Wildlife Habitat Network.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the biodiversity value of the Strategic Green Infrastructure Network and the adjacent Wildlife Habitat Network are conserved and enhanced, to ensure suitable replacement tree planting is undertaken, and to accord with the aims of Policies LP30, 31 and 33 of the Local Plan and the National Planning Policy Framework – Conserving and enhancing the natural environment.

14. One electric vehicle recharging point shall be installed within the dedicated parking area of each hereby approved new dwelling house before it is first occupied, and a minimum of one recharging point for the 4 spaces serving the new apartments before any of them are first occupied. 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 accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

15. A standard small solar array (8sqm) shall be installed on the roof of each of the two dwelling houses before first occupation and it shall thereafter be retained as such.

Reason: To facilitate small-scale renewable energy generation on site so as to minimise the contribution of the development to climate change and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Footnote – Competent Person.

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members

Note – Environmental permit: advice to applicant. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and is advised to consult with the Environment Agency at the earliest opportunity.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE – bats. There is the potential for a bat roost to 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 intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. 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.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			12-May-2021
Location plan	3373 (OS) 01		12-May-2021

Plan Type	Reference	Version	Date Received
Topographical survey	3373 (TP-) 01		12-May-2021
Arboricultural survey			27-Sep-2021
Design and access statement			12-May-2021
Existing elevations	3373 (0-) 05		04-Nov-2021
Proposed site plan	3273 (0-) 06		04-Nov-2021
Proposed elevations	3273 (0-) 07		04-Nov-2021
Proposed ground floor site plan	3273 (0-) 08		04-Nov-2021
Proposed first floor site plan	3273 (0-) 09		04-Nov-2021
Proposed second floor site plan	3273 (0-) 10		04-Nov-2021
Apartment 3 parking swept path	HDC-01-03		04-Nov-2021
Apartment 4 parking swept path	HDC-01-04		04-Nov-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. The case officer entered into negotiation with the applicant to achieve improvements to the scheme to address concerns over visual and residential amenity and highway safety and also requested an Arboricultural survey.

Report Dated:

19/11/2021

