

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:	2022/62/92842/W
Site Address:	The Carlton Nursing Home, 25, Greenway, Milnsbridge, Huddersfield, HD3 4RZ
Description:	Change of use and alterations to former nursing home (C2) to form 12 apartments (C3)
Recommending Officer:	Katie Chew

DECISION – Conditional Full Permission – Approve

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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 23/07/2025

Application: 2022/92842

Site: The Carlton Nursing Home, 25, Greenway, Milnsbridge, Huddersfield, HD3 4RZ

Proposal: Change of use and alterations to former nursing home (C2) to form 12 apartments (C3)

Site description

The application relates to The Carlton Nursing Home, 25, Greenway, Milnsbridge, a two storey 'L' shaped building which faces onto Sycamore Avenue and the Greenway. The design features include gable roofs and a single storey projecting gable to the northern elevation. The building is constructed from stone with a tiled roof.

The site does not appear to benefit from any existing on-site parking.

The site is situated within a predominantly residential area, however, there are a row of retail units to the north, Carlton Specialist Care Centre to the north east and Greenway House and Carlton Autistic Care Centre directly to the east.

The site is unallocated on the Kirklees Local Plan.

Description of proposal

The proposal seeks a change of use to the former Carlton Nursing Home into 12 residential flats, including internal and external alterations.

The residential flats would be split over two floors, with internal works proposed to re-use the existing building. Further details are as follows:

Ground floor

- Flat 1 would be a one bedroom studio with an open plan kitchen/dinner and bedroom with ensuite facilities at approximately 37 sq.m.
- Flat 2 would be a one bedroom flat with a W/C, open plan kitchen/dinner and bedroom at approximately 56 sq.m.
- Flat 3 would be a one bedroom flat with an open plan kitchen/dinner, bedroom and W/C facilities at approximately 64 sq.m.
- Flat 4 would be a one bedroom studio, with kitchen, living room, bedroom and en-suite at approximately 38 sq.m.
- Flat 5 would be a one bedroom studio, with an open plan kitchen/diner, bedroom, dresser and W/C facilities at approximately 41 sq.m.
- Flat 6 would be a one bedroom apartment with an kitchen, dinning room, bedroom, W/C and store facilities at approximately 49 sq.m.
- Flat 7 would be a one bedroom apartment with a living room, kitchen, bedroom and W/C at approximately 60 sq.m.

First floor

- Flat 8 would be a one bedroom apartment with a living room, kitchen, bedroom and W/C at approximately 54 sq.m.
- Flat 9 would be a two bedroom apartment with a living room, kitchen with storage facilities, W/C and en-suite at approximately 69 sq.m.
- Flat 10 would be a two bedroom apartment with a living room, kitchen with storage facilities and W/C at approximately 62 sq.m.
- Flat 11 would be a two bedroom apartment with a kitchen/dinner and W/C at approximately 71 sq.m.
- Flat 12 would be a two bedroom apartment with a kitchen, living room and W/C at approximately 69 sq.m.

External alterations include the creation of six on-site parking spaces to western of the building.

The exterior of the building would remain as existing, other than the alteration of one door into a window (which currently serves the ground floor dining room).

Two bin stores are proposed to the north east and south west of the site.

Relevant Planning History

At the application site

No recently planning history.

Neighbouring properties:

2018/90982 Erection of extensions – Granted (35, Sycamore Avenue, Golcar, Huddersfield, HD3 4RY).

History of negotiations/amendments received

Significant discussions have been held with the agent regarding a number of planning matters and therefore appropriate amended plans have been received.

Representations

The application has been advertised via site notice, neighbour notification letters and the press.

Final publicity expired: 14th October 2022.

As a result of the above publicity, two representations have been received. A summary of the comments made are as follows:

Objections

- This part of Golcar/Milnsbridge is already over populated and already has a high anti-social behaviour problem. In addition these apartments would only add to these problems.
- We hardly have any school places and doctors are already full.
- I'm worried about a few comments locally that it will be used to house refugees or asylum seekers. There are already numerous flats and a full housing estate and two autistic nursing homes in close proximity.
- The plan for car parking is also dangerous, and surely it's not legal to have cars backing out onto a bus stop.
- There is no space to turn safely once parked due to lack of space. All cars would have to back out onto pavements in all areas that are marked for parking.
- I feel another 12 apartment's on this site would cause problems for existing residents, and the traffic situation will be dangerous for pedestrians and children.

Supportive comment

- This application will bring an empty building back into use and provide much needed flats in the area.

Ward Councillor comments

(Former) Councillor E. Reynolds: This application seems like a suitable solution for the building. I would ask that the arrangement of the outside space is considered by the developer to ensure that the new residents have easy access to the space and that it is safe, as this is very important for our health and wellbeing.

Consultation responses

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

KC Highways Development Management: Whilst 6 off-street parking spaces are an under provision for 12 apartments, given the reasonably sustainable location close to public transport links and that there were no off-street parking facilities for the existing use as a care home on balance Highways Development Management consider these proposals acceptable, subject to appropriate conditions being attached to the decision notice.

KC Waste Strategy: No objection has been raised to the application, subject to a condition being attached to the decision notice regarding the design, management and maintenance of the refuse storage areas.

KC Ecology: The proposed development would have minimal impacts on ecological receptors and therefore no objection is raised to the application subject to a condition being attached regarding the specification and design of the four bat boxes and two bird boxes.

KC Crime Prevention: Officers support the security measures proposed as part of this application.

KC Policy: Comments have been made in respect of the re-use of the building, affordable housing, parking and open space.

KC Lead Local Flood Authority: The application can be supported subject to the detailed design of the drainage system being attached as a condition to be decision notice.

KC Strategic Housing: The two affordable homes proposed are considered to be acceptable.

KC Environmental Health: Conditions have been requested in regard to electric vehicle charging points and the construction working hours.

KC Landscape: Unfortunately, the site does not and cannot provide any meaningful public open space and therefore an off-site financial contribution of £24,610.05 is required.

Yorkshire Water: No response received.

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.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP63** – New open space

Supplementary Planning Documents

- Highways Design Guide SPD (2019)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

Guidance documents

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

National Planning Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) and the Planning Practice Guidance Suite (PPGS) 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 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other documents

- MHCLG: National Design Guide (2021)

Climate change

The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On the 12th of 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Urban design
2. Impact on residential amenity
3. Impact on highway safety
4. Other matters
5. Representations
6. Conclusion

1.Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.

In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that: "...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."

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..."

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

Housing delivery

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test

(HDT) measurement which was published on 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (the “pass” threshold is 75%).

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

The council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development, however this has to be balanced against any adverse impacts of granting permission for a proposal.

In this instance, the site is unallocated on the Kirklees Local Plan.

Furthermore, 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.

Housing mix

The site is situated within Kirklees Rural West whereby there is a greater need for 1 and 2 bedroom properties for older people, including a significant need for 1 and 2 affordable homes. While it is acknowledged that the Affordable Housing and Housing Mix SPD seeks for proposals to include a mixture of sizes (1 and 2beds, 3beds, and 4bed+), as an apartment development three and four bed units are not deemed appropriate to seek. The development would provide 8 x one bedroom flats and 4 x two bedroom flats and therefore the mix has been considered reasonable for the area and the type of development proposed.

With regard to affordable dwellings, the scheme requires 2 units to be provided. These would be unit 2 a 1 bed flat and unit 9 a 2 bed flat. The mix provided has been considered acceptable by Strategic Housing colleagues

and therefore the proposal complies with Policy LP11 of the Kirklees Local Plan.

Having taken into account the above, and the Council's inability to demonstrate a 5 year housing land supply, weight has been afforded to this development, which would bring an existing vacant building back into use. Therefore, the principle of development can be supported subject to an assessment upon all other material planning considerations below.

Sustainable development and climate change

The re-use of an existing vacant building has various economic, social, and environmental benefits, including the conservation of energy and materials which is a positive of the proposal. The only external alteration includes a change from a door to a window, along with the creation of onsite parking. Officers will ensure that the parking spaces would be adequately drained to ensure that there would be no additional surface water run-off.

Furthermore, it is considered reasonable to impose a condition, should planning permission be granted, which requires full details to be submitted to the Council in respect of the provision of cycle parking within the site, as a development at the site which is reliant on residents/visitors travelling by private car is unlikely to be considered sustainable. This is in the interests of encouraging sustainable transport options in accordance with LP20 and LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Given the limited alterations proposed, the site may be considered as sustainable development.

2. Urban design

Chapter 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide and National Design Guide.

Policy LP24 sets out that *“Good design should be at the core of all proposals in the district ...” and that proposal should promote good design by ensuring “the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape”.*

The existing building is situated within a prominent position within the local area, given its 'L' shaped design which fronts two highways. Its architectural form and overall appearance of the building is typical for its age. As highlighted above, the external changes to the building would be minimal other than the removal of an existing door and the insertion of a window to the rear eastern facing elevation.

In terms of landscaping, the site benefits from little outdoor space. The proposed site plan shows the grassed area to the north of the building to be

retained, with some on-site parking being created to the western elevation. Six spaces are proposed. The land to which the parking spaces are to be created appears somewhat flat, however, officers note that levels drop significantly the closer to the building. As such, steps are proposed along with a small retaining wall (as shown on 2206/04). To the rear of the site, the existing hardstanding is to be retained, along with some planting and hedging. A condition would be attached to the decision notice requiring full details of the hard and soft landscaping and how it will be managed and maintained.

Having taken the above into account, the impact on visual amenity is considered to be acceptable and therefore the scheme is considered to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3. Impact on residential amenity

A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The proposal is seeking to convert an existing building. There would be limited external alterations to include the change of a door to a window on the ground floor rear elevation and the creation of six on site car parking spaces. As such, there would be no additional overbearing and overshadowing from the works proposed.

With regards to overlooking, whilst the building could be occupied as a nursing home, thus establishing an existing level of overlooking, officers have noted that there is sufficient space between the application site and the nearest residential properties at 48 Sycamore Avenue, 35-43 Sycamore Avenue and the residential nursing homes known as Greenway House and Sycamore House. Therefore, officers are satisfied that existing amenity would be protected.

Alongside the above, consideration must also be given to the amenity of the future occupiers. More specifically, the size of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective.

In this instance, the units would all meet or exceed the Nationally Described Space Standards and each habitable room would benefit from a window, allowing for a sufficient outlook and level of natural light.

In conclusion, it has been considered that the impact on residential amenity would be acceptable in line with the above policy and guidance.

4. Impact on Highway safety

Paragraph 114 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 115 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

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

KC Highways DM have been consulted as part of this application. The officer has noted that the application seeks to change the use of the building from a nursing home into 12 apartments. Officers note that the existing use did not benefit from any on-site parking, however, the revised plans proposed six off street parking spaces with access from Sycamore Avenue.

Whilst six off street parking spaces are under the provision for a 12 apartments given the reasonably sustainable location close to public transport links and that there were no off-street parking facilities for the existing use as a care home, Highways DM can on balance consider these proposals acceptable. This is subject to conditions regarding the spaces being created before the building is first brought into use and from a permeable surface.

With regards to waste storage and collection, it has been noted that two bin stores one to the north east and the other to the south west are proposed which include two bins in each. The bin stores are within a walking distance of the entrances and within 30m specified in guidance BS5906:2005.

The guidance indicates the floor space for a 660ltrs wheeliebins is 1360mm x 770mm with space to manoeuvre the bins within the store so the bin store dimensions at approximately 1.5m x 3.4m should be large enough. Additional information is required detailing screening and surfacing. Bin store surfaces should be durable and waterproof enough to withstand heavy duty cleaning such as power washing.

The plan also details that the stores will have key access for residents, which will prevent theft or unauthorised use.

Notwithstanding the above, the information submitted in support of LP43 (waste management) has been considered acceptable, subject to conditions being attached to the decision notice regarding the management and maintenance of communal refuse storage areas by a designated private management company and the details of the finish/height of the bin stores.

Therefore, in light of the above, subject to the appropriately worded conditions, the application can be supported from a highway safety and waste perspective, in accordance with Policies LP21 and LP43 of the Kirklees Local Plan, the Highways Design Guide SPD and the aims of Chapter 9 of the NPPF.

5. Other matters

Drainage and flood risk

The building footprint remains the same following conversion of the former care home into residential flats, however the developer is proposing to provide parking spaces in areas which are currently grassed landscaping. The developer should restrict the surface water run-off from the new hardstanding areas to 3.5 l/s and provide attenuation storage for the critical 1 in 100 year rainfall event plus 30% climate change such that no flooding occurs within or off the site. The point of discharge of the attenuated hardstanding drainage shall be to the 600mm dia culvert in Greenway, subject to Land Drainage Consent.

Alternatively, the surfacing of the new hardstanding areas should be of the permeable type to allow soakage into the ground (if feasible, subject to approval of soakage tests) with no positive drainage provision.

The developer should submit a Maintenance Plan including a Maintenance Schedule to the LPA for approval and should identify which organisation will be responsible for the maintenance of the car parking areas and any positive surface water drainage system or permeable paved hardstanding areas.

As such, KC Lead Local Flood Authority support the application subject to a detailed drainage condition being attached to the decision notice. This is to comply with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 185 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 186 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort,

compensated for, then planning permission should be refused. This is echoed in Policy LP30 of the Kirklees Local Plan.

Furthermore, Policy LP30 of the KLP outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

A Preliminary Roost Assessment (PRA) has been submitted during the course of this application. The report determines that the building is of low value for roosting bats and that features identified as holding low value will be retained and unimpacted by the proposed development.

Nonetheless, a condition will be attached to the decision notice to ensure that four bat boxes and two bird boxes are installed prior to the development being first brought into use.

Therefore, KC Ecology are in support of the application, as protected species can be adequately safeguarded throughout the development and the proposals will bring about a net gain for biodiversity, in line with national and local planning policies pertinent to biodiversity.

Crime prevention

The crime prevention measures proposed on plan ref 2206/02A are considered acceptable. However, it is noted that the West Yorkshire Police Liaison Officer has made a number of comments and recommendations, particularly with regards (but not limited to) internal security measures, external lighting, public open spaces and boundary treatments. All of the comments are advisory and have been referred to the applicant.

Electric vehicle charging

In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

Unexpected land contamination

Given that on-site parking is to be created as part of this application, a condition for encountering unexpected land contamination is recommended.

6. Planning obligations

Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the

development and (iii) fairly and reasonably related in scale and kind to the development.

Affordable housing

Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.

To comply with policy LP11, the proposed development would need to provide two affordable units. As a build to rent proposal, these would be two Affordable Private Rent units as advised in national planning guidance and the Kirklees Affordable Housing and Housing Mix Supplementary Planning Documents (SPD) 2023.

For this development, the applicant proposes 2 affordable units, Unit 2 – 1-bed flat and Unit 9 – 2-bed flat, which the Council supports.

Public open space

In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.

Given the limited outdoor amenity space available for the property, no meaningful on site public open space could be created. However, the development would put pressure on nearby open space and therefore an off-site contribution of £24,610.05 has been secured as part of the S106 agreement to ensure compliance with Policy LP63 of the Kirklees Local Plan.

7. Representations

As a result of the above publicity, two representations have been received. A summary of the comments made can be seen below along with officer correspondence.

Objections

- This part of Golcar / Milnsbridge is already over populated and already has a high anti-social behaviour problem. In addition, these apartments would only add to these problems.

Comment: This has been noted; however, the application has been reviewed by West Yorkshire Police who raise no in-principle concerns with the proposal.

- We hardly have any school places and doctors are already full.

Comment: There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, the proposal falls below the council's threshold for such contributions (25 or more 2bed+ units).

- I'm worried about a few comments locally that it will be used to house refugees or asylum seekers. There are already numerous flats and a full housing estate and two autistic nursing homes in close proximity.

Comment: This is not a material planning consideration.

- The plan for car parking is also dangerous, and surely, it's not legal to have cars backing out onto a bus stop.

Comment: The location and number of car parking spaces proposed has been amended throughout the course of this application, with the scheme being reviewed by Highway colleagues.

- There is no space to turn safely once parked due to lack of space. All cars would have to back out onto pavements in all areas that are marked for parking.
- I feel another 12 apartment's on this site would cause problems for existing residents, and the traffic situation will be dangerous for pedestrians and children.

Comment: KC Highways DM have reviewed these proposals and consider them on balance acceptable from a highway safety perspective.

Supportive comment

- This application will bring an empty building back into use and provide much needed flats in the area.

Comment: This has been noted.

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.

The proposal would bring an underused building back into a beneficial and sustainable use. Therefore, the principle of development is acceptable. The design changes would also be minimal with the creation of six onsite parking spaces. As such, the development is not considered to be harmful to existing amenity and would not cause any detrimental impact to the safe and efficient operation of the highway. A contribution towards improving local public open space and the provision of two affordable units have been sought and other material considerations have been assessed and considered acceptable.

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, subject to conditions and planning obligations being secured via an appropriate S106 agreement.

Recommendation: Approve subject to S106 agreement

Report dated: 12/11/2024

Decision Authorisation: Delegated Powers

Application Number: 2022/92842

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 LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP51, LP52 and LP63 of the Kirklees Local Plan and Chapters 2, 4, 6, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Prior to the development being brought into use, the approved vehicle parking areas shall be laid, surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and made available. The parking spaces shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety, to reduce the risk of surface water run-off and to achieve a satisfactory layout in accordance with Policies LP21, LP24 and LP27 of the Kirklees Local Plan and the aims of Chapters 9, 12 and 14 of the National Planning Policy Framework.

4. Notwithstanding the approved details, before development commences, full details of the bin stores shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height and materials of the bin store and how it would be managed and maintained by a designated private management company. The bin stores shall be built in accordance with the approved details and made operational before any of the units are first occupied and shall be retained, managed and maintained in accordance with the details so approved thereafter.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and the National Planning Policy Framework.

5. Prior to the building being first brought into use, a plan detailing the specification, positioning and location of four bat boxes and two swift boxes shall be submitted to and approved in writing to the local authority.

Reason: to provide an enhancement to biodiversity in line with LP30 and the requirements of section 15 of the National Planning Policy Framework.

6. The development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including (unless permeable paving of the hardstanding areas is proposed) an agreed discharge rate with the LLFA of 3.5 l/s draining to the Greenway culvert, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and hydraulic calculations, phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for the surface water infrastructure or permeable paved areas. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure the effective disposal of foul and surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

7. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

8. Prior to development commencing, full details of cycle parking including its location, the height and materials of the cycle store and its timescale for implementation shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be built in accordance with the approved details, including the approved timetable for implementation and retained thereafter.

Reason: In the interests of encouraging sustainable transport options, to accord with Policy LP20 and LP21 of the Kirklees Local Plan and the aims of Chapter 9 of the National Planning Policy Framework.

9. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Details of materials to be used for all hard surfaced areas including linking paths, vehicle and other circulation areas;
- Planting plans; plant schedules noting species, plant sizes and proposed numbers/densities; and an implementation, management, and maintenance programme; and
- A Landscape Management Plan including details of initial aftercare and long-term maintenance for minimum of five years.

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written

consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority.

Reason: To enhance and conserve the visual amenity, as well as the natural environment in accordance with Policies LP24, LP30 and LP32 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

Note: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

Note: 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.

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 (Kirklees Street Scene: 01484 221000) regarding 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: Noisy construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

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 notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Existing Layout and Elevations	2206/01	-	24/08/2022
Proposed Layout and Elevations - (Crime Prevention Plan only)	2206/02A	-	06/02/2025
Proposed Layout and Elevations	2206/02C	-	20/06/2024
Proposed Site Plan/Landscaping	2206/04	-	05/02/2024
Design and Access Statement – Supporting Information	-	-	01/09/2022