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:	**2022/62/93691/W**
Site Address:	Workshop rear of, 121 A, Acre Street, Lindley, Huddersfield, HD3 3EJ
Description:	Conversion and alterations of existing workshop/storage facility to form 2 residential dwellings
Recommending Officer:	Tom Hunt

DECISION - Refused

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Stuart Howden

AUTHORISED OFFICER

Date: 9th January 2023

Officer Report

Site Description

2022/93691 – Workshop rear of, 121 A, Acre Street, Lindley, Huddersfield, HD3 3EJ

The application relates to the workshop/storage building associated with 121a Acre Street, which is a two storey stone residential building, with a southern frontage, two apartments and 4 associated off-street parking spaces in an area of hardstanding. The workshop building sits to the rear of the site, whilst the residential building is to the front of this workshop. Access is taken from the front of the site off Acre Street.

The workshop is also finished in stonework with a shallow dual pitched roof in standing seam metal. It is set back from the carriageway ~31m and to its side boundary, a small strip of land is bounded by wire mesh fencing and partially a stone boundary wall. To the front is a roller shutter garage-style door and door with a small front flat roofed building, windows to the side and a boarded-up door to the rear immediately abutting the alley. The building sits within rising land from east to west.

The site is immediately within a predominately densely terraced residential area with a grassed common alley separating it from the terraced rows north and west. There is a large care home to its south. The converted two-storey host separates it from more terraced properties to its northeast. The site is unallocated on the Kirklees Local Plan and is situated on the outskirts of Lindley District Centre.

Description of Proposal

Planning permission is sought for the conversion and alterations of existing workshop/storage facility to form 2 residential dwellings. All figures are approximate in metres unless given otherwise.

Each dwelling would be in an ‘upside down’ layout internally with two bedrooms, a bathroom and a utility storeroom at ground floor along with an open plan loft living room with inner balcony at first floor. One bedroom to each dwelling has also been identified as potential home office space.

External alterations include the removal of the roller shutter, the installation of additional windows front and sides, skylight to each roof slope close to the ridge, and door and inset balconies to front. The building would have the raising of the roof by ~2.1m at ridge and increase in the eaves by ~0.1m.

The external alterations would be carried out with natural stone to match the host, curtain wall glazing, timber/composite cladding panel details to the inset balcony and grey slate to match the two-storey host building. The wire mesh boundary fencing would be replaced by a new timber fence with some stone wall infills however would not encroach on the back alley ways.

Plans identify four existing parking spaces within the site which are unallocated. Bin areas for the two proposed dwellings are to the front and side of the building and a BBQ area for outdoor space has been set out informally to the front of the proposed building.

The existing flat roof element to the front of the building would also be demolished, however this aspect could be done under permitted development, without acquiring formal planning permission.

History of negotiations/amendments received

The Case Officer advised the agent of the likely refusal and the agent wished to negotiate. In this instance, no negotiations or amendments have been sought as part of this application, as the scheme is considered to be unacceptable with no substantial changes to a previously refused similar proposal and there were no amendments possible to overcome the concerns set out in the report below.

Relevant Planning History

Within the site, for the two-storey host building:

- 91/03561 – Conversion of factory to 2 no. flats. Decision: Refused. Decision Date: 17/09/1991.
- 91/05581 – Conversion of factory to 2 no. flats. Decision: Refused. Decision Date: 02/06/1992.
- 2020/92597 – Prior approval for change of use from office (B1) to two apartments. Class O. Decision: Refused. Decision Date: 06/11/2020.
- 2020/93652 – Change of use and alterations to office/mixed use building to form two apartments. Decision: Conditional Full Permission. Decision Date: 25/03/2021.

Within the site, for the single-storey workshop building:

- 2021/94729 – Conversion of existing workshop/storage facility to form 2 residential dwellings. Decision: Refused. Decision Date: 09/05/2022.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 22/12/2022

One representation has been received objecting to the scheme; a summary of the objection received is set out below:

- The increase in the height of the building would detrimentally affect views.

- Reuse of a visually unattractive light industrial building would remove the ability to improve its aesthetics.

Officer Note: When considering the received representation regarding the possibility of an improved aesthetic appearance in the future, any future proposals for the site, including potential demolition or reuse, would have to be assessed on its own merits. In addition, loss of view is not a material planning consideration, but loss of outlook will be discussed in the assessment section of the report.

Consultation Responses

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

- Highways Development Management – None received. Previous consultation response on 2021/94729 considered for this application (within one year of proposal and no significant changes to parking arrangements, but there is a reduction in the number of spaces now proposed).
- Environmental Health – No objections. A Phase 1 Desk Study on contaminated land was accepted with suggested precautionary condition on unexpected contamination to ensure public safety. Electric Vehicle Charging points advised to support air quality if scheme acceptable.

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.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 3 – Location of new development**
- **LP 7 – Efficient and effective use of land and buildings**
- **LP 8 – Safeguarding employment land and premises**
- **LP 11 – Housing mix and affordable housing**
- **LP 20 – Sustainable travel**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity and geodiversity**
- **LP 51 – Protection and improvement of local air quality**
- **LP 52 – Protection and improvement of environmental quality**

- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- Highways Design Guide SPD
- Housebuilders Design Guide SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting healthy and safe communities
- 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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g., trees/ecology
6) Representations
7) Conclusion

1 – Principle of development:

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

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

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the KLP states that:

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

The site is within the Huddersfield Sub Area. The listed qualities will be considered where relevant later in this assessment.

Whilst the proposal would result in the loss of a commercial building, as the site is unallocated, a change to residential use could potentially be acceptable, subject to other material considerations.

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.
The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Policy LP7 seeks to encourage the efficient use of land and buildings with the reuse or adaptation of vacant or underused properties (paragraph b). This is with the requirement to ensure that this would remain in keeping with the character of the area and the suitable design of the scheme. A net density of 35 dwellings per hectare is sought where appropriate with some locations in principal town centres and close to public transport interchanges being able to support higher densities.
In this case, it could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity and highway safety, as well as other relevant material planning consideration. This will be discussed below.
2 – Impact on visual amenity:

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: *"the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape"* and bearing in mind the roof ridge extension, that they

be *"subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers."*
Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.
Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"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 of the Housebuilders Design Guide states, amongst other things, that buildings should be designed to front on to the street to create active frontages, and to seek interesting townscape features. To avoid dominating the street, Principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by Principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by Principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. Principle 19 requires bins and waste storage to be screened for visual amenity whilst being convenient for collection/use.
The proposal is for a workshop building conversion facilitated by a raised roof height and no further increase in footprint.
The proposal would seek to have the existing building split into two dwellinghouses with individual door and windows and an inset balcony for each to the front elevation. This would create an active frontage facing the street with its balconies however this effect would be reduced by the set back nature of the building to the highway and the screening of the building by the two-storey host property's bulk and massing.
The use of locally prevalent materials in natural stone to match the building and grey slate to the roof to match the two-storey host building would aid in the building appearing aesthetically more in keeping with the wider residential area compared to the existing standing seam roof. The use of horizontal windows to the side elevation would appear out of keeping with the typical narrow and vertical fenestration within its residential setting however this harm would be mitigated by the boundary timber fencing obscuring it mainly from view. The proposed rooflights would appear to be a minor visual alteration.
Visually, the use of curtain walling and timber/composite horizontal cladding panel insets would however appear to be a prominent feature out of keeping visually within the streetscene made widely visible within the surrounding street scene by the raising of the roof height.
This would be contrary to Principle 14 of the Housebuilders Design Guide which states that: *"the design of windows and doors are expected to relate*

well to the street frontage and neighbouring properties and reflect local character in style and materials". As such, this benefit in having a new active frontage removing the industrial workshop's roller shutter would not outweigh the undue visual harm outlined above.
The wide gable end pitched roof would appear to result in an unsympathetic and incongruous roof form when viewed within its setting. It would change the status of a clearly subordinate outbuilding/workshop to a prominent building set back from the road and dominating the land and buildings around it with little/no curtilage of its own. It would appear as a cramped and uncomfortable form of development at the rear of the site. In this instance changing the curtain walling and timber cladding to try and amend the scheme visually would still not overcome the prominent impact of the increased roof height and incongruous roof form within its setting.
Considering the overall scheme, it would result in an overdevelopment of the site, taken with the two units already created at no. 121a, no private amenity space and competition for off street parking spaces increasing the potential of vehicles visually dominating the front yard. In total it would result in a density of development of ~100 dwellings per hectare. This overdevelopment is visually unattractive with no proposed softening landscaping effects but would also result in a poor standard of amenity for existing residents and future occupiers as set out in the next section.
Therefore, the development would result in a poor visual finish and would appear of cramped and contrived form within its site resulting in overdevelopment which would be contrary to Policy LP24a of the KLP, the aims of the Housebuilders Design Guide in particularly Principle 2 to achieve good quality design and Chapter 12 of the NPPF. Furthermore, the Council can also demonstrate a 5-year supply of housing land and the formation of the two units also has other deficiencies which would result in a poor and unacceptable standard of amenity for the future occupiers, as set out in the report below.

3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *"provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."*

Further to this, Paragraph 130 of the National Planning Policy Framework 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The Housebuilders Design Guide SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity. Of note, Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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."*

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The text supporting this principle also states that*: "For two storey houses typical minimum separation distances are advised:*

- *21 metres between facing windows of habitable rooms at the backs of dwellings;*
- *12 metres between windows of habitable rooms that face onto windows of a non-habitable room;*
- *10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and*
- *for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.*

In this case, the nearest residential properties are the apartments within 121a Acre Street, No's. 1, 3 and 5 Cadogan Avenue (to the North), No's. 1, 3 and 5 Lyndhurst Road (to the West) and the care home to the southeast.

A received representation commented that there would be impacts on existing views, this is not a planning material consideration as there is no right to a view. However Officers are still able to assess impacts on outlook, privacy, overshadowing and other residential amenity effects which will be assessed further.

Given the orientation of the existing building with No. 121a facing its blank elevation, officers are satisfied that there would be no material impact upon these neighbours' windows/privacy. Their main habitable openings are within the southern and east elevation. As such, there would be no detrimental overbearing, overshadowing or overlooking, as it would have an oblique angle with these apartments.

It would, however, result in a loss of amenity through the proposed access and parking arrangements with the passage of vehicles close to existing doors and windows and the manoeuvring associated with the very tight layout of parking spaces for all 4 units of accommodation.

No's. 1, 3 and 5 Cadogan are the residential properties directly to the North of the site. It has been assessed that there would be some impact upon these neighbours' amenity, as a result of increasing the roof height by ~2.1m. However, the existing separation distance of ~13-16m would be retained to these neighbours' rear and nearest southern elevation and separated by the alleyway and therefore any overbearing and overshadowing would not be concluded detrimental. In terms of overlooking, the submitted plans show two windows serving a bathroom and bedroom at the northern facing elevation. There is rising ground so the bathroom window's base ranges from ~1.55m to ~1.3m from ground obscured by the close boarded timber fencing heavily

screening views in or out. The bedroom two-paned windows would have a similar screening effect afforded by the height of the timber boundary fencing. This would replace larger existing windows aiding in a more restricted outlook to these neighbours. The rooflight would be ~3m from internal floor level ensuring no clear views outwards. These openings would provide some natural light penetration without prejudicing these neighbours' amenity.

No.s 1, 3 and 5 Lyndhurst Road are the residential properties to the West of the application site. It has also been noted that the development would have some impact upon these neighbours' amenity, as a separation distance of ~12m would be retained separated by the alleyway. However, given that these neighbours are situated to the west, any bulk and massing would not result in material overshadowing or overbearing and therefore on balance, the height increase of ~2.1m can be supported. In terms of overlooking, the submitted plans also show no new windows to be inserted into the rear elevation. As such, the impact upon these neighbours' amenity can be supported, on balance.

To the south of the site is Lindley Grange Nursing Home which is well separated from the building with the proposed two windows being mainly screened by close board timber fencing and the skylight ~3m height to the base from the internal floor level being used for daylighting only.

Other Residential Properties

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

KC Environmental Health also raised no objection in terms of noise disturbance, as the proposed use is likely to be less intense than the commercial business in which it will replace. This is to accord with Policy LP52 of the KLP.

Amenity of the Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

In this case, both dwellings would comply with the Nationally Described Space Standards for two storey two bedroom units (this is even when excluding sub 1.5m head height areas and inset balconies).

Notwithstanding this, having reviewed the plans submitted, significant concern is raised regarding the habitable windows proposed for bedrooms 2 on both units. They would be mainly screened by the close boarded timber fence at very close proximity which would provide no outlook and limited natural light penetration. Concern is also raised regarding the outlook for the second bedroom's window on the southern elevation as it would be adjacent to dense green growth outside of the applicant's ownership. When in leaf it appears that the tree would have a direct relationship with the southern elevation and therefore, there would be no outlook from this bedroom. As such, concern is raised regarding the intensification of the site and the poor level of amenity which would be provided for both bedrooms. The main bedroom window and the inner balcony on the front elevation for the right hand dwelling unit would also have a poor outlook facing No 121a's blank wall for the unit separated by ~3m. Both ground floor, primary elevation windows serving bedrooms would have a visually unpleasant outlook facing unto hard surfacing, movement and noise of vehicles when parking in close proximity.

Furthermore, the units would not have any realistic amenity space with most outside space appearing to be required for direct access and parking. The provision of balcony space and undefined BBQ area to the front would not have a private or meaningfully proportionate private amenity space for the occupiers.

To conclude, the scheme would result in a loss of amenity to the existing occupiers of Apt No's. 1 and 2 121A Acre Street due to the access and intensified parking arrangements proposed and a poor level of amenity to future occupiers due to lack of outlook from habitable room windows and lack of meaningful and proportionate amenity space. This would be contrary to Policy LP24 of the KLP, Principle 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* This is echoed in Policy LP21 of the Kirklees Local Plan.

Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.

Further to this, Principle 19 of the Housebuilders Design SPD states that: *"Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development"*

KC Highways DM had been formally consulted as part of the similar application 2021/94729 and were invited to respond to this scheme. In the previous application, no objection had been raised, given the previous use as a workshop and the fact that the access and parking are to be retained as existing. The site is also in a reasonably sustainable location close to Lindley Centre and regular bus links adjacent.

Nonetheless, Officers still express concern regarding the usability and practicality of the parking spaces within a tight front yard and the associated noise in manoeuvring and parking. The parking spaces were allocated within planning application 2020/93652 for the two 2-bed apartments on No. 121a, two for each unit. In this instance, no additional space can be provided to supply two parking spaces for each new dwelling unit proposed leading to an intensified demand of 8 off street parking spaces (with reference to the parking guidelines within the Highways Design Guide SPD). While this demand can be mitigated by the sustainable links to Lindley Town Centre and further beyond to Huddersfield Town Centre, no new parking spaces are proposed despite what the application form sets out. No allocated parking arrangement had been agreed between the potentially 4 2-bed properties and how this would work independently due to the change in use and intensification.

As such, in the case of an approval, officers would request that a plan is submitted to demonstrate how the parking spaces would work should one already be occupied by a parked vehicle. This does not seem realistic or practicable and it differs from the existing layout where there are no such spaces and where the occupiers of the workshop have a roller shutter door which would allow for the passage of vehicles to within the building.

In light of this, and taking into account the formal response of Highway Officers, this would need to be a pre-commencement condition as, if it could not be demonstrated that the parking spaces worked, this could impact on the acceptability of the scheme as a whole (had there not already been a number of other factors that were unacceptable).

Alongside the above, details of bin storage and collection points are identified on the proposed plan set away from the parking spaces to ensure no conflict with the on-site parking. However, it is unclear how the proposal would effect the bin storage of the existing residential properties on the site therefore, should permission be granted, these details could be conditioned.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development has not demonstrated that it would not adversely affect the

existing parking arrangements within the tightly confined site with its intensified use.

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. When determining planning applications the Council will use the relevant Local Plan policies, the National Planning Policy Framework and guidance documents including the SPD Principles 13, 14, and 18 to embed the climate change agenda.

Principle 14 of the Housebuilders Design Guide SPD comments that *"Innovation for energy efficiency is encouraged, particularly for maximising solar gain to allow for passive solar construction"*. In this case, the development would have the principal elevation facing to the northeast with one dwelling facing unto No. 121a, would have small side elevation windows mainly screened by fencing and green growth and a skylight to each open plan living space therefore would only receive sunlight within a morning with little light penetration to the accommodation at other times of the day.

Principle 13 of the aforementioned SPD encourages developers to consider "*The embodied carbon of the material in terms of the environmental impact of its production, transportation and thermal performance"* in relation to development processes. Linked with this, Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038. This is achieved through high levels of environmental sustainability including retaining embodied carbon to avoid replication of construction waste and emissions and by ensuring the fabric and siting of homes, and their energy sources to reduce their reliance on sources of non-renewable energy.

Should permission be granted, a sustainability and energy statement could be condition to achieve positively towards carbon reduction. In addition, electric vehicle charging points could be conditioned.

The positive effect of retained embodied energy would still have to be assessed against other factors such as design and residential amenity.

Contaminated Land

KC Environmental Health have been formally consulted as part of this application as the land is considered to be potentially contaminated due to its former use. As such, a Historical Mapping Study and Desktop Assessment Report by GeoEnviro Solutions Ltd dated 11th February 2021 (ref: GES 1241-21) has been submitted in support of the application. The report details the geological location of the proposed development site as well as the onsite past historical use, which indicates that the site was formally used as an unspecified works in 1982. Off-site historical records indicate historic textile mills within 500m of the site and lists the potential contaminants associated with this, and the on-site sources.

The report has been accepted by KC Environmental Health, however as a precautionary measure, a condition regarding the finding of unexpected land contamination would have to be attached in the case of an approval. This is to accord with Policy LP53 of the KLP and Chapter 15 of the NPPF.

Biodiversity
Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 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 180 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.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
Principle 7 of the Housebuilders Design Guide SPD sets out that development should integrate green infrastructure early in the design process retaining existing features or introducing green roofs and trees; Principle 8 advises that development should make a positive contribution to the character and function of the landscape through sensitive siting and good design; Principle 9 requires net gains in Biodiversity and ecological enhancement. These would be in conjunction with relevant Policy LP30 of the Kirklees Local Plan.
The proposal does not set out any green infrastructure or landscaping in any form however this is constrained by the tight plot which is largely taken up by the building itself, the host building and the hard surfacing. As such there is limited opportunity for conditioning landscaping or trees to increase green infrastructure and Officers take the pragmatic view that without significant changes to the scheme, the proposal cannot supply a feasible supply of green infrastructure.
The application site lies at the border of the bat alert layer on the Council's GIS system. As such, careful attention was taken when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats, especially given its relatively shallow pitch roof and distance away from Kirklees Wildlife Habitat Networks or major wooded tracts. The closest identified potential bat roost on available record was ~205m distant. Nonetheless, in the case of an approval, a note would be attached to the decision notice to state that if bats are found development shall cease and the advice of a licenced bat worker sought. In addition to provide a biodiversity net gain, a bat box or bird box could have been conditioned if other unacceptable factors were overcome. These would be to accord with the aims of Policy LP30 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

One representation has been received and considered within the report.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out 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 proposals do not accord with the development plan (specifically Policy LP24 of the Kirklees Local Plan) and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development, including the provision of housing in a sustainable location, when assessed against policies in the NPPF taken as a whole.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers

Application Number: 2022/93691

Officer Recommendation: Refuse

Reasons

1. The raising of the roof height and the insertion of curtain glazing and balconies within it, would appear visually discordant and incongruous in the street scene and would fail to relate to or respect the host building's original form being an unsympathetic cramped and overprominent residential overdevelopment of the site that would harm the character and appearance of the area. This would be contrary to Policy LP24a of the Kirklees Local Plan, the aims of Principles 2, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

2. The habitable room windows to serve bedrooms two in both dwellings, by reason of their siting close to close boarded timber fencing, location and design, would experience severely restricted natural light and outlook. The habitable windows to the front elevation of the northern-most residential dwelling unit would have a poor outlook onto the stone wall elevation of No. 121a in close proximity. In addition, the proposed dwellings would not have sufficient functional or proportionate and useable private amenity space to meet the needs of the occupiers. Therefore, the proposed development would fail to provide a high level of amenity to the future occupiers of the dwellings, contrary to the aims of the National Planning Policy Framework paragraphs 125(c) and 130(f), Policy LP24(b) of the Kirklees Local Plan and Principle 17 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document.

3. The access and parking arrangements for the proposed units would result in the movement of vehicles and manoeuvring within close proximity to habitable room windows of apartments 1 and 2 within No. 121a Acre Street, which would have an intensified use likely to exceed that associated with the existing use and parking arrangements for the workshop. Therefore, the proposed development would fail to retain a high standard of amenity for the existing occupiers of Apartments 1 and 2 121a Acre Street, contrary to the aims of the National Planning Policy Framework paragraphs 125(c) and 130(f), and Policy LP24(b) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site, Location,	Drawing No.	-	15/11/2022

Plan Type	Reference	Version	Date Received
Existing Floor and Elevation Plans and Section with 3D image.	A(00)-01		
Site, Location, Proposed Floor and Elevation Plans and Section with Artist impression image.	Drawing No. A(10)-02.	-	15/11/2022
Phase 1 Contamination Report	GeoEnviro Solutions Limited. (Report No. GES 1241-21) (Dated: 11th February 2021).	Issue 01	15/11/2022

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 Planning 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. In this instance, no negotiations or amendments have been sought as part of this application, as the scheme is considered to be unacceptable in principle for the reasons set out in the Officer report.

Report Dated: 06/01/2023