

**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:	<b>2023/62/90287/E</b>
Site Address:	Primrose Farm, Crossley Lane, Mirfield, WF14 0NR
Description:	Change of use and alterations to convert existing industrial building into single dwelling
Recommending Officer:	Nina Sayers

**DECISION – CONDITIONAL FULL PERMISSION**

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

Emma Thompson

***AUTHORISED OFFICER***

**Date:** 26.6.23

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## **Officer Report**

### **Site Description**

2023/90287 - Primrose Farm, Crossley Lane, Mirfield, WF14 0NR

The application site hosts a detached industrial unit with associated hardstanding to the front and side. The structure is finished in metal cladding over a stone plinth with metal clad roofing. The property serves a 'training centre' with parking provision. The site is adjacent to a small cluster of residential properties, together they are set within open fields, set approximately ~170m from the nearest group of houses, Northorpe. There is an existing access of Crossley Lane.

The site is located within the Green Belt on the Kirklees Local Plan. The site is not in a conservation area and there are no listed buildings within close proximity to the site. There is a public footpath (MIR/14/10) running along the south-eastern border of the site.

### **Description of Proposal**

Change of use and alterations to convert existing industrial building into single dwelling.

The proposal would change the use of the existing structure to a residential dwelling. This would include the change the external materials to timber on a stone plinth. The proposal would include changes to the openings on all elevations, including a balcony area cut into the roof space and significant glazing to the front and rear elevations. Two additional windows would be proposed in the north-western elevation as well as the closing of the existing vehicle access and opening in the side elevations.

### **History of negotiations/amendments received**

Officers raised concerns regarding the proposed balcony as it encroached on the openness of the Green Belt as well as the section of land in the north-western corner. They also expressed concerns regarding the impact of the proposed materials on visual amenity as well as concerns over the right of access. Amended plans were sought and considered acceptable.

### **Relevant Planning History**

96/92655 – Change of use of barn for business purposes and car parking area – Approved 24/01/97 for temporary period of one year expiring on 23/01/98. Condition 2 limited the use of the business to offices with ancillary storage and condition 5 required it to be used in connection with Primrose Barn (which was in residential use).

98/93378 - Change of use of barn for business purposes and car parking area

– Approved 19/01/99. Permanent permission granted. Conditions 2 and 5 reimposed.

2005/90962 – Removal of Condition 5 of planning permission 98/93378 – Refused 29/04/05 on highway safety and Green Belt policy grounds. Appeal allowed 08/12/05. This allowed the business to operate independently from Primrose Barn.

2021/91443 Certificate of lawfulness for proposed extension to industrial building. Refused

2021/93446 Erection of two storey side and rear extensions. Conditional full permission. (adjacent property).

2023/90089 Change of use from domestic pool to include commercial use. Pending consideration (adjacent property).

### **Representations**

Final publicity date Expires:

Neighbour letters initially expired on 27<sup>th</sup> March 2023.

A site notice was put up and this application was advertised in the press due to the proximity to a Public Right of Way (MIR/14/10). Final publicity expired on 12<sup>th</sup> June 2023.

No representations were received as a result of the above publicity.

### **Consultation Responses**

**KC Policy** – Informal – no objections.

**Mirfield Town Council** – No comments.

### **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 27<sup>th</sup> February 2019).

### **Kirklees Local Plan (LP):**

- LP1 – Achieving 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 Transport
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity

- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP47 - Healthy, active and safe lifestyles
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP60 – The re-use and conversion of buildings

**Other Guidance Documents:**

- Housebuilders Design Guide SPD (2021)
- Kirklees Highway Design Guide (2019)
- Nationally Described Space Standards
- National Design Guide

**National Policies and Guidance:**

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

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

**Summary of Principal Planning Issues**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

## 1 - Principle of Development:

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

The considered throughout the proposal. Paragraph 11 concludes that the dimensions of sustainable development will be 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.

Policy LP2 states that:

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

The proposed change of use would result in the loss of an industrial unit. Given that this is not within a Priority Employment Area, as allocated on the Kirklees Local Plan, and the site is located approx. 600m from the nearest local centre of Greenside. it is not considered to result in the harmful loss of employment.

### Green Belt

The application site is within the Green Belt as located on the Kirklees Local Plan. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new development in the Green Belt as inappropriate. Paragraph 150 states that certain forms of development would not be inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes (d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

LP60 of the Kirklees Local Plan supports this, outlining that the re-use and conversion of buildings in the Green Belt will normally be acceptable where;

- a. the building to be re-used or converted is of a permanent and substantial construction;
- b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;
- c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.

The proposed development is for the change of use of an existing industrial building to a residential dwelling. The existing building is of a permanent and substantial construction and is still in use as an industrial property. Therefore, the proposal complies with LP60 (a).

The proposal would introduce residential amenity space and parking to the front of the property which would result in urban characteristics. There is already existing hardstanding surrounding the front and side of the property which serves a car parking area which is walled to the eastern boundary, with an access off Crawley Lane. There is an existing fence along the northern and part of the western boundary of the site.

This application proposed a grassed area to the front and side of the property which would be used for amenity space, with access to both the future occupants and the neighbouring properties driveway. This would significantly reduce the amount of hardstanding to front and side of the property which would be considered an improvement in term of the impact on openness of the Green Belt. Given the existing arrangement on the site, the proposal would not cause any additional harm, nor be out of character with the surrounding area, over and above the existing arrangement on site.

It is noted that the retaining wall in the north-western section of the site would be moved west to allow for access to the proposed garage. This part of the scheme relates to a small part of the land, and it has been annotated on the plans that the higher section of land will remain green space and will not be enclosed within the site.

The scheme originally proposed a balcony which protruded into the adjacent green field which is not developed. Officer had concerns regarding the encroachment onto typically Green Belt land and asked the applicant to remove this part of the scheme. Amended plans were sought and provided.

In respect of the above, subject to a full assessment of the impact on visual and residential amenity, which will be undertaken below, the principle of development is considered acceptable and the proposal complies paragraph 150 of the National Planning Policy Framework and LP60 of the Kirklees Local Plan.

A more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

## 2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) provides a principal consideration concerning design which states: "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring: “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The application is seeking approval for the change of use of an existing industrial unit to a residential dwelling. The proposal would include alterations to the exterior of the property including, a balcony area within the front roof slope, additional glazing and change in materials. As well as additional grassed area to the front and side.

The application site serves an industrial unit which is not in keeping with the adjacent property in terms of design, scale or materials but is in keeping with the rural, agricultural setting. The proposed balcony area within the roof space and additional glazing would introduce domestic characteristic to the property and would be a contemporary addition. Given the proposed domestic use, as well as this site being adjacent to other domestic properties, this is considered acceptable in this instance.

The proposal would be finished in timber with a stone plinth. It was requested that the stone plinth was carried around the entirety of the property to reduce the prominence of the timber finish. Amended plans were provided which demonstrated this. Although the adjacent properties are predominantly finished in stone, given the existing metal cladding, the proposed timber finishing would not cause any additional harm to visual amenity over and over the existing, and would be a sustainable alternative. No details of the materials have been provided, however this would be controlled by condition, should approval be recommended, to ensure it would not harm visual amenity.

No details of the boundary treatment have been provided. Should approval be recommended it would be conditioned that details are provided and agreed by the Local Planning Authority to ensure boundary treatment is in keeping with the character of the area and does not harm the openness of the Green Belt.

In conclusion, it is considered that subject to conditions, the proposal would not cause significant harm to visual amenity and would comply with LP24 and LP60 of the Kirklees Local Plan and the aims of Chapter 12 of the NPPF.

### 3. Impact on Residential Amenity

Sections B and C of LP24 state that alterations to existing buildings should: “maintain appropriate distances between buildings’ and ‘minimise impact on residential amenity of future and neighbouring occupiers”. Further to this, Chapter 12 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Housebuilder Design Guide SPD states '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 Housebuilders Guide PD goes on to set out typical minimum separation distances. These are as follows:

- 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.

The properties most likely to be affected by the proposed scheme are Primrose Barn and Primrose Farm which are located south of the application site and share a boundary with the proposal. The proposal would remain in the same location as the existing structure and would not add any additional massing. Therefore, no additional overbearing or overshadowing harm would be caused by the scheme. There would no openings proposed in the southern elevation and there are no openings in the northern elevations of the adjacent properties. Therefore, no significant additional overlooking harm would be caused.

The site is surrounded by green fields to the north, east and west, with the nearest other residential property approximately 95m south-east. Therefore, significant separation distance would prevent any harm to any other neighbouring occupants.

#### *Amenity of the Proposed Occupiers*

Principle 16 of the 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."*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed garden is considered to be a good size for a dwelling of this scale.

Given the above, the proposal does not give rise to any undue adverse impacts upon neighbouring residential amenity or future occupants, and as such is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 and LP60 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

#### 4. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 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. The Highway Design Guide SPD is also relevant.

The proposal would use the existing access and would be considered a reduction in the number of vehicles entering and existing the site in comparison to the existing use. A double garage is proposed within the property and there is adequate driveway for parking at least one additional vehicle as well as turning of vehicles.

It would be required that prior to development commencing, details of suitable bin storage and collection points are submitted and approved by the Local Planning Authority. This is to ensure the proposal complies with LP24 d(vi) of the Kirklees Local Plan.

Therefore, the scheme would not cause any additional harm to highway safety complying with Policies LP21 and LP22 of the Kirklees Local Plan and the aims of the Kirklees Highways Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

#### 5. Other Matters

##### *Land contamination*

The site is within a High Risk Coal Mining area as defined by the Coal Authority. As this application is for the change of use of an existing structure, with minimal groundworks, a Coal Mining Risk Assessment was not considered necessary in this instance and the coal authority were not consulted. An advisory note shall be added to any condition. The proposed therefore complies with Policy LP53 of the Kirklees Local Plan.

##### *Climate Change*

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to

climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is for the change of use to a dwelling. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the decision notice requiring an electric vehicle recharging point be provided within the site for the future occupants of each dwelling. This is to comply with the aims of policy LP24 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

### *Biodiversity*

It is acknowledged that the site does not fall within a bat alert area as identified by the Council's GIS mapping system, or within any area biodiversity layer as set out on the Council's GIS system. Given this, there is not deemed to any obvious biodiversity constraints at the site and therefore raise no objections to the proposals in principle. However, should planning permission be granted at the site, a biodiversity net gain will need to be demonstrated to be in accordance with LP30 of the Kirklees Local Plan. A condition regarding this is attached to the recommendation.

### *Land ownership*

Whilst this is not a planning consideration, it is noted that the original scheme would prevent access for the live application at the adjacent property (2023/90089). This was amended on the site plan.

## 6. Representations

No representations received.

## 7. Conclusion

This application for the change of use and alterations to convert existing industrial building into single dwelling at Primrose Farm, Crossley Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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

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

**Recommendation**

**APPROVE**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2023/90287

**Officer Recommendation:** Approve

### **Conditions:**

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 LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52, LP53 and LP60 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 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 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 thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 and LP22 of the Kirklees Local Plan.

4. Samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before work to the exterior of the building commences. Thereafter the development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity and to comply with Policies LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document as well as the aims of Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the submitted plans and information, before the development is brought into use, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details and thereafter retained.

**Reason:** In the interests of visual amenity and to preserve the character and openness of the adjacent Green Belt land in accordance with Policy LP24 and LP60 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework. This is pre-commencement as it may affect the construction.

6. Before the development is brought into use, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

**Reason:** In the interest of highway safety and waste management and to accord with LP24 of the Kirklees Local Plan. This is pre-commencement as it may affect the construction.

7. Prior to occupation of the dwelling, one electric vehicle recharging point for each dwelling shall be installed. 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

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 and Chapters 2, 9 and 15 of the National Planning Policy Framework.

8. Prior to the occupation of the property, a plan detailing the positioning and location of an integral bird box (Schwegler 1B or similar) shall be submitted to and approved in writing to the local authority.

**Reason:** To provide an enhancement to biodiversity in line with LP30 (as modified) and the requirements of section 15 of the National Planning Policy Framework.

**NOTE:** 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:** It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any

retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Site Plan	FBA_234_Primrose Farm Sheet 1		06/02/2023
Existing Floor Plans and Elevations	FBA_234_Primrose Farm Sheet 2		06/02/2023
Location Plan	0101	P02	07/06/2023
Proposed Site Plan	0710	P02	07/06/2023
Proposed Plans and Elevations	0700	P02	07/06/2023

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.

Officers raised concerns regarding the proposed balcony as it encroached on the openness of the Green Belt as well as the section of land in the north-western corner. They also expressed concerns regarding the impact of the proposed materials on visual amenity as well as concerns over the right of access. Amended plans were sought and considered acceptable.

**Report Dated:** 15/06/2023

