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:	**2023/60/90978/W**
Site Address:	121A, Acre Street, Lindley, Huddersfield, HD3 3EJ
Description:	Outline application for demolition of existing workshop and erection of detached property providing 2 apartments
Recommending Officer:	Katie Chew

DECISION – CONDITIONAL OUTLINE CONSENT

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.

John Holmes

AUTHORISED OFFICER

Date: 02-Aug-2023

Officer Report

Site Description

121A, Acre Street, Lindley, Huddersfield, HD3 3EJ

The application site relates to a workshop associated with 121A Acre Street, which is a two-storey stone-built building, with a southern facing frontage. The workshop is situated to the rear of the site, with access taken from Acre Street.

The workshop is also finished in stonework with a shallow dual pitched roof. To the front is a roller shutter, along with windows to the side and a pedestrian door to the rear. The site also appears to benefit from an area of hardstanding to the south, whereby pedestrian and vehicular access can be taken onto Acre Street.

The site is not located within a Conservation Area and is not located in close proximity to any listed buildings.

Description of Proposal

The application seeks outline approval for the demolition of existing workshop and erection of detached property providing 2 apartments. The applicant seeks approval for access, scale, layout and appearance, with landscaping to be a matter dealt with at reserved matters application stage.

The submitted details show a medium sized, linear, two-storey stone-built property which is split into 2 apartments, with off-street parking available for 2 cars to the front of the properties. Whilst landscaping is a reserved matter it appears that there is small portion of common garden space to the front of the car parking spaces.

Flat 1 is located on the ground floor, with Flat 2 at first floor level. Both flats comprise of open plan living/kitchen/dining area, double bedroom and en-suite. Flat 1 has a footprint of approximately 46m^2 and Flat 2 has a floorspace of around 48m^2.

The flats are to be constructed in coursed stone with grey slate roof tiles. Timber boundary fencing is indicated on plan along the boundaries of the site.

History of negotiations/amendments received

Following comments received from the Council's Ecology Officer a bat survey was requested.

Relevant Planning History

2022/93691 – Conversion and alterations of existing workshop/storage facility to form 2 residential dwellings. Refused 9th January 2023. This application was refused as:

"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".

2022/93491 – Work to TPO(s) 63/92. Approved 7th December 2022.

2021/94729 – Conversion of existing workshop/storage facility to form 2 residential dwellings. Refused 9th May 2022. This application was refused as:

"1. The raising of the roof height and the insertion of large areas of glazing within it, would appear 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 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 Policy 2 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. The habitable room windows to serve bedrooms two in both dwellings, would by reason of their siting, location and design, experience severely restricted natural light and outlook. In addition, the proposed dwellings would not have any useable or private amenity space. 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), and Policy LP24(b) of the Kirklees Local Plan and Principle 17 of the Housebuilders Design Guide SPD.

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, which would be 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".

2020/93652 – Change of use and alterations to office/mixed use building to form two apartments. Approved 25th March 2021.

2020/92597 – Prior approval for change of use from office (B1) to two apartments. Refused 6th November 2020. This application was refused as the last use of 121A Acre Street fails to fall within Class B1(a) as defined by the Town and Country Planning (Use Class) Order 1987 (as amended). As such the proposal is not permitted by Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Whilst weight is afforded the planning history in the consideration of this application, the refused schemes are considered to be considerably different in terms of the schemes put forward (and refused) in relation to the current proposal.

Representations

Final publicity date expires:

Neighbour Letters – Expired 30th May 2023.

1 representation has been received in objection; comments are summarised below.

- In the original plans the first two flats were to provide electric vehicle charging points, these haven't been provided within this submission.

Officer note: Noted. Should planning permission be granted a condition would be included requesting the provision of electric vehicle charging points.

- Concerns in respect of noise during construction works.

Officer note: Noted. An informative would be included in respect to restricting noisy construction activities to certain times of the day/week.

- Concerns in regards to access and parking.

Officer note: Noted. This is discussed in more detail within the highway safety section of this report.
Officer note: We are currently undertaking the legal 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 only, details of which are outlined above.

Consultation Responses

KC Ecology Unit – Comments received 23rd May 2023. Requests the submission of a daytime inspection for bats (also known as a Preliminary Roost Assessment or Bat Scoping Survey). Further surveys may be required should the survey indicate the presence of bats.

Officer note: Following receipt of the above requested bat survey, Ecology Officers concludes that the report details that the site provides negligible suitability for roosting bats and therefore they raise no objections to the proposals subject to a condition requiring the installation of a bat box within the new dwelling in the interests of biodiversity net gain.

KC Environmental Health – Comments received 27th April 2023. No objections to the proposals subject to the recommendation of conditions and informative notes relating to contaminated land, construction working times and electric vehicle charging points.

KC Highways Development Management – Comments received 15th May 2023. No objections.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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 application site is located within a Bat Alert Area and is in close proximity (approx. 39m) to Lindley District Centre to the north.

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
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

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

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. 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 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:

1.1 – Sustainable Development

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

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

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority’s should seek to boost significantly the supply of housing. Housing applications

should be considered in the context of the presumption in favour of sustainable development.

Paragraph 69 of the NPPF recognises that "*small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".*

The application site comprises of a small plot surrounded by residential dwellings, and whilst the Local Planning Authority appears to be able to demonstrate a five-year land supply at this point in time, it is noted that the development of this plot would contribute to the housing supply in the district.

Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare, this is further supported by Principle 4 of the Housebuilders Design Guide. Given the restricted size and nature of this site, which is to be accessed via an existing driveway, Officers consider this proposal would be at an appropriate density with that in mind.

It is therefore considered that the principle of development is acceptable, on the basis the proposal is concluded acceptable when assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well-designed places) whereby paragraph 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable 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…"

Policy LP11 of the Kirklees Local Plan 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."*

The application is seeking outline consent including scale, layout and appearance. Regarding the layout and siting of the proposed dwellings, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. On this occasion, the proposed dwellings are to run in line with the adjacent neighbouring property no. 121A Acre Street and therefore would retain a coherent building line, and although the dwellings will not front directly onto the street given the restricted nature of the site, they will be orientated in a similar way to the above neighbouring property and therefore are considered to accord with Principle 5 of the above SPD.

In relation to scale, massing and appearance of the proposed dwellings, the building is to be two-storeys in height with a pitched roof and is to be of a simple and linear design. The building is to have a similar ridge height to adjacent property no. 121A Acre Street and whilst it would be stepped slightly forward of this neighbouring property, they are very similar in footprint and design. Although it is noted that the proposed dwellings would have a chamfered edge to the west, this is simply to ensure that the dwellings can be incorporated in this constrained site.

In respect to materials, the proposed dwellings are to be constructed in coursed natural stone, with grey slate roof tiles. Whilst these materials are considered to be acceptable and sympathetic to the area, should permission be granted a condition will be included requiring samples of these external materials to be submitted for approval from the Council prior to their installation.

In conclusion, the proposals are considered to be appropriate in size and scale in this location, and that they would not appear out of character or overly dominant in the general context of this site. On this basis, the proposals are considered to accord with the requirements of policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 5 13, 14 and 15 the Housebuilders Design Guide SPD.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

"*Maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers'.*

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

Principle 6 of the Housebuilders Design Guide 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 text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 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.

Principle 7 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.
The proposal seeks outline planning permission (with landscape as a reserved matter) for the erection of a two-storey detached building containing 2 apartments on land that was previously used as an industrial workshop. The business has now moved on and ceased trading and therefore it has now been chosen to be developed for residential use. The existing neighbouring building on site (121A) has been recently converted into apartments after gaining planning approval.

Whilst it is acknowledged that the proposals would not provide a separation distance of 2m from all of the side walls of the dwellings to a shared boundary, given the nature and context of the site, it is not considered that the dwellings would be located within a 'regular' street pattern in this location, and due to the existing access lanes located to the rear of properties located on Cadogan Avenue and Lyndhurst Road this helps provide a further buffer between the application site and the rear gardens of these neighbouring properties. Therefore, Officers consider this to be acceptable in this instance.

Impact on no. 121A Acre Street

This neighbouring building is located to the east of the application site, approximately 2.6m away, and contains 2 apartments. Given the orientation of

121A to the proposed development, and that there are no windows proposed within the eastern elevation of the dwellings, Officers have no concerns with regards to overlooking or the loss of privacy. Furthermore, any overshadowing arising would not impact on this property given the lack of amenity space/garden areas, and that the western elevation of 121A is blank gable end. The proposed dwellings are also to be two-storeys in height, similar to this existing building and therefore it is not considered that there would be any concerns with regard to the proposals appearing overbearing in this location.

Impact on Lindley Grange Nursing Home

The Lindley Grange Nursing Home is located to the south of the application site, approximately 11m away. Given the nursing homes southern location, Officers have no concerns with regards to overshadowing or the loss of light on this occasion. In addition, whilst it is acknowledged that habitable room windows are proposed within the southern elevation of the dwellings, given their orientation and relationship with the nursing home there would be no direct views into any habitable rooms and therefore there are no concerns in regard to overlooking or the loss of privacy. Finally, given the separation distances, orientation of the properties to one another, and that the proposed dwellings would be viewed against the existing two-storey dwellings located on Acre Street, there are no concerns that the proposals would appear overbearing or overly dominant in this location.

Impact on nos. 1-7 Cadogan Avenue

These neighbouring dwellings are located to the north of the application site, approximately 13.7m away (when measured from the rear elevation of the proposed dwellings to the rear elevation of these neighbouring properties). Whilst it is acknowledged that the proposals will result in some additional shadowing, this would not be for a prolonged period of the day and would move across the above neighbouring properties throughout the morning/early afternoon. Furthermore, this would be towards the bottom end of their gardens and would ensure that the majority of their amenity space and any habitable room windows would remain out of the shadowed areas. Windows are proposed within the northern elevation of the new dwellings and given the separation distances may result in overlooking, therefore should planning permission be granted these windows shall be conditioned to be obscurely glazed. Finally, in terms of the proposals appearing overbearing in nature the proposed building is to replace an existing single storey workshop, and whilst the proposals will result in an increase in scale and massing to the current situation, the dwellings will be viewed amongst adjacent two storey properties at 121A Acre Street and Lindley Grange Nursing Home, therefore it is not considered that the proposals would appear overly dominant in this location. Officers therefore consider, on balance, that the proposals are acceptable on this occasion.

Impact on nos. 1, 3, 5 of Lyndhurst Road

These neighbouring properties are located to the west of the application site, between 10-13m away. Given the orientation of the proposed dwellings to these adjacent neighbouring properties and that no windows are proposed within the western elevation of the dwellings Officers have no concerns with respect to overlooking or the loss of privacy. In terms of the proposals appearing overbearing or overly dominant, these dwellings are to replace an existing single storey building, and whilst there will be an increase to the scale and massing, these dwellings will be viewed amongst other existing two-storey properties such as 121A Acre Street, Lindley Grange Nursing Home and dwellings located on Cadogan Avenue.

Future amenity of the 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."*

As scale, layout and appearance are included within the assessment of this outline application it is also important to assess the future amenity of occupiers of the proposed residential development. Internally, the proposed dwellings would have a GIA which would be in accordance with the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore Officers are content that the proposed dwellings would provide an adequate standard of amenity for future occupiers. In addition to this, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable. Finally, in terms of amenity space, it is unfortunate that the proposed dwellings would lack much outdoor amenity space however, the dwellings would be sited relatively close to a number of public green spaces and other dwellings located directly adjacent to the site (121A Acre Street) also have a similar arrangement. Therefore the proposals are considered, on balance, to be acceptable in this regard.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of amenities of neighbouring properties, Chapter 12 of the National Planning Policy Framework and Principles 6, 7, 16 and 17 of 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 on highway safety and provide sufficient parking. 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide 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.

Access to the site is to be taken off Acre Street and from an existing shared driveway, with off-street parking provided for 2 vehicles to the front of the building.

The Council's Highways Officers have been consulted on the proposals and raise no objections, this is due to the sites previous use as a workshop, that the existing access it to be retained and that enough off-street parking has been provided for the 2 apartments.

Furthermore, bin storage is outlined on the submitted plans for the existing flats to the east and for the proposed apartments. Highway Officers raised no concerns in respect of these arrangements and therefore they are considered to accord with principle 19 of the above SPD.

It is therefore concluded that the scheme would not represent additional harm to an unacceptable degree in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

<u>Biodiversity</u>

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced.

Notwithstanding the above, Policy LP30 of the Kirklees Local Plan sets out that development should provide a biodiversity net gain.

The application site is located within the bat alert zone and is within close proximity to a number of bat roost records. Therefore, as the surrounding area provides suitability for bats and the proposals include works to the structure of the building, there is a reasonable likelihood of disturbance to roosting bats. A daytime inspection survey for bats was therefore requested by the Council's ecology officer, who, on receipt concluded that the report outlines that the site provides negligible suitability for roosting bats and therefore subject to the installation of bat box in the interests of biodiversity net gain, Ecology Officers raise no objections to the proposals. The proposals are therefore considered to be in accordance with LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Housebuilders Design Guide SPD.

Land Contamination

With regards to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan seek to ensure land quality is maintained as part of new development.

The site of the proposed development is on land which has been identified as potentially contaminated due to its former use, (our site ref: 139/9). The Council's Environmental Health Team therefore concluded that contaminated land conditions are necessary on this occasion. The implementation of these conditions are deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The proposed apartments will be built to modern building regulations and given the nature of the scheme it is considered reasonable to request that one electric vehicle recharging point be provided per apartment to aid in the contribution to climate change. Given these considerations, Officers are satisfied that the building would not harm the climate change agenda on this occasion. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - Conclusion:

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

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

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2023/90978

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved.
   Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
   Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Development shall not commence until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority: Landscaping.
   Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. 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 Policies LP24 and LP28 of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and 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 paragraph nos. 183 and 184 of the National Planning Policy Framework.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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 paragraph nos. 183 and 184 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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 paragraph nos. 183 and 184 of the National Planning.

10. Prior to the occupation of the development hereby approved, 1 electric vehicle recharging point shall be installed per dwelling (2 in total) to serve the dedicated parking spaces of the apartments hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle recharging points so installed shall thereafter be retained.
    Reason: In the interests of supporting and encouraging low emission vehicles in the interest of air quality enhancement, to comply with Policies LP20, LP24, LP47 and LP51 of the Kirklees Local Plan, policies within Chapters 2, 9 and 15 of the National Planning Policy Framework and Principle 18 of the Housebuilders Design Guide Supplementary Planning Document.

11. The external materials used in the construction of the dwellings hereby approved shall consist of coursed natural stone and grey slate roofing tiles. Samples of the proposed walling stone and roof tiles shall be submitted to, and approved in writing by, the Local Planning Authority prior to the construction of the building above slab level. The development hereby approved shall not be brought into use until it is

completed in accordance with the approved scheme which shall be retained thereafter.
Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principle 2 of the Housebuilders Design Guide Supplementary Planning Document.

12. The windows within the northern elevation of the development hereby approved, to serve the en-suite and open plan living areas at both ground and first floor level, shall be fitted with obscure glazing minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the windows shall thereafter be so retained obscurely glazed.
Reason: To protect the amenity of the neighbouring property, in accordance with Policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principle 6 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document.

13. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler 3FE Bat Box, shall be installed integral to the hereby approved building during the period of construction on the eastern elevation (side), at least 5m above ground level and not directly above any doors or windows. Thereafter the bat tub shall be retained.
Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide Supplementary Planning Document.

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 at least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

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**
Plans & Elevations – As Existing	A(00)-01	A	21st April 2023
Plans & Elevations – As Proposed	A(10)-01	A	21st April 2023
Design & Access Statement – Supporting Information	2257	-	29th March 2023
Bat Scoping Survey – Supporting Information	-	-	27th June 2023
Climate Change Statement – Supporting Information	-	-	12th April 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Following comments received from the Council's Ecology Officer a bat survey has been requested.

Report Dated:

26/07/2023