

# **KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE**

## **DEVELOPMENT MANAGEMENT**

**Town and Country Planning 1990 (as amended) – SECTION 70**

### **DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

**Reference No:** 2023/61/93519/W

**Site Address:** 121A, Acre Street, Lindley, Huddersfield, HD3 3EJ

**Description:** Reserved matters application in relation to landscaping, pursuant to outline permission 2023/90978 for demolition of existing workshop and erection of detached property providing 2 apartments

**Recommending Officer:** Katie Chew

#### **DECISION – Approve Reserved Matter**

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 17-Jan-2024**

## **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 application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

### **Description of Proposal:**

The proposal is a reserved matters application pursuant to outline permission 2023/90978 for the demolition of existing workshop and erection of detached property providing 2 apartments. Matters to be addressed within these reserved matters application relate solely to landscaping, as matters relating to access, appearance, layout and scale were dealt with under the outline permission.

The submitted plans show a 2m high timber hit and miss fence along the northern and eastern boundaries of the site. A new stone boundary wall is also proposed along the southern boundary of the site, this is to match the existing wall in both height and design.

The parking area is to be covered with tarmac, with a small grass turfed area towards the west. Indian stone flags are proposed along the pedestrian access to the apartments which also includes a small stone retaining wall due to the differences in land levels.

Landscaping is similar to that submitted under outline application 2023/90978 however this was indicative at that time.

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

No amendments have been sought.

### **Relevant Planning History**

2023/93521 – Discharge conditions 5, 6, 7, 8, 9 (Phase I and II Desk Study Report), 11 (materials) on previous permission 2023/90978 for outline

application for demolition of existing workshop and erection of detached property providing 2 apartments. Pending consideration.

2023/90978 – Outline application for demolition of existing workshop and erection of detached property providing 2 apartments. Approved 2<sup>nd</sup> August 2023.

2022/93691 – Conversion and alterations of existing workshop/storage facility to form 2 residential dwellings. Refused 9th January 2023.

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.

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 10<sup>th</sup> January 2024.

No representations have been received to date.

**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 Environmental Health** – Comments received 20<sup>th</sup> December 2023. No objections, ENVH Officers have reviewed the application and supporting information and their recommended conditions remain as per the previous outline permission 2023/90978.

**KC Highways Development Management** – Comments received 16<sup>th</sup> January 2024. No objections as this is a reserved matters application in relation to landscaping, pursuant to outline permission 2023/90978 for demolition of existing workshop and erection of detached property providing 2 apartments at 121, Acre Street, Lindley, Huddersfield. Access, parking, and internal vehicle turning arrangements are not affected by these proposals and Highways Development Management have therefore no objection to these proposals.

**KC Ecology** – No comments received within statutory timescales.

**Officer note:** Whilst no comments have been received from ecology officers, given the scale and nature of the proposals which seek to provide some limited hard and soft landscaping within the site, it is not considered that the proposals would change the conclusions drawn by ecology officers within the previously approved outline consent (2023/90978).

### **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**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP30 – Biodiversity and Geodiversity**
- **LP51 – Protection and Improvement of Local Air Quality**

- **LP52 – Protection and Improvement of Environmental Quality**
- **LP53 – Contaminated and Unstable Land**

### **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> December 2023, 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 and beautiful places
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and enhancing the natural environment

### **Other Guidance Documents:**

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

### **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 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 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 principle of erecting 2 new residential apartments on this site was assessed and considered acceptable under the outline application (2023/90978). This application considers the reserved matters specifically landscaping to compliment the outline.

A more detailed assessment, 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) whereby 131 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...”*

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The appearance, layout, scale and access have all been assessed and approved under the outline application (2023/90978). Therefore, solely landscaping is to be considered under this application.

The proposed landscaping would include a 2m high timber hit and miss fence along the northern and eastern boundaries of the site. Timber fencing is not uncommon in the area and therefore this element of the scheme is deemed to be acceptable.

A new stone boundary wall is also proposed along the southern boundary of the site, this is to match the existing wall in both height and design. In the interests of visual amenity, a condition to this effect is proposed should planning permission be granted.

The parking area is to be covered with tarmac, with a small grass turfed area towards the west. Whilst the front of the property will be heavily covered with hardstanding, this is required for highway safety purposes to enable sufficient off-street parking to be provided and to allow for internal turning for vehicles. Whilst Officers would wish to see more soft landscaping within the site, it is acknowledged that due to its restricted nature the options for the developer are limited, therefore the small, grassed area to the west is welcomed.

Indian stone flags are proposed along the pedestrian access to the apartments which also includes a small stone retaining wall due to the differences in land levels. Whilst Indian stone flags are not common materials within the area, the location in which the flags are proposed is small in nature and would be somewhat hidden from public view given that the apartments are located down a private access road, stepped behind an existing block of flats. In the interests of visual amenity, a condition is however requested to ensure the external stone to be used within the proposed retaining wall, is coherent with the stone used within the proposed dwellings, and the proposed stone boundary wall which is to be constructed along the southern boundary of the site. (and approved under a discharge of condition submission).

Given the above, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality subject to conditions, and therefore accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, aims of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

### **3 – Impact on Residential Amenity**

Section B and C of LP24 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 135 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 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.”*

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 appearance, scale, layout and access have all been assessed and approved under the outline application (2023/90978). Landscaping is therefore considered below.

The landscaping shows a small portion of amenity space along the western boundary of the site which is to be grassed with turf. Whilst it is unfortunate for future occupiers that this amenity space is so small in size, these 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 benefit from a similar arrangement. Therefore, the proposals are considered, on balance, to be acceptable in this regard.

Furthermore, given the location of this amenity space, which is to be adjacent to an alleyway at the rear of properties located on Lyndhurst Road and that a 2m high timber hit and miss fence is proposed along the western boundary, alongside a matching stone boundary wall to the south, Officers consider this space to preserve the amenity of neighbouring properties.

The proposed development is therefore considered acceptable in terms of residential amenity and that it complies with Local Plan Policy LP24(b), policies included within the housebuilders Design Guide SPD and Chapter 12 of the NPPF.

### **4 – Impact on 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. Furthermore, Paragraph 115 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.

Policy LP22 (Parking) and the Council's latest guidance on highways design. Furthermore, Principles 12 and 19 of the Housebuilders Design Guide seeks to ensure that acceptable levels of off-street parking and waste storage are provided.

The appearance, scale, layout and access have all be assessed and approved under the outline application (2023/90978). Details of landscaping are being assessed within this reserved matters application.

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 parking and turning areas are to be finished in tarmacadam, this hardstanding will allow for vehicles to turn within the site so that they can enter and exit in forward gear.

Bin storage is outlined on the submitted plans for the existing flats to the east and for the proposed apartments to the south. Highways Officers consider the amount and location of parking provided to be sufficient, and that bin storages areas are appropriate.

The proposals therefore comply with policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the NPPF.

## **5 – Other Matters**

Insofar as these matters relate to those dealt with at the outline planning application stage, for completeness they are referred to as follows: -

### **Biodiversity**

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 within the previous outline permission (app ref: 2023/90978), who, on receipt concluded that the report outlines that the site provides negligible suitability for roosting bats and therefore subject to the installation of a bat box in the interests of biodiversity net gain, Ecology Officers raised 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, Chapter 15 NPPF 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 were necessary and therefore these conditions were imposed on the previous outline consent (2023/90978). 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 and no concerns regarding the proposed landscape details have been raised.

### Climate Change

The proposed landscape scheme would adequately 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. The proposal would remain in accordance with the development plan and there are no material considerations to indicate otherwise. The development would therefore constitute sustainable development and it is recommended for approval.

**Recommendation:** Approve.

**Decision Authorisation:** Delegated Decision

**Application Number:** 2023/93519

**Officer Recommendation:** Approve.

**Conditions and Reasons:**

1. The details of landscape hereby approved 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 LP21, LP24, LP30 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and Principles the Housebuilders Design Guide SPD.

1. The external materials to be used in the construction of the retaining wall to the front of the building hereby approved shall consist of coursed natural stone to match the external materials used within the previously approved dwellings (discharged under application 2023/93521). 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 landscape scheme has a satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2 and 13 of the Housebuilders Design Guide SPD.

2. The new stone boundary wall hereby approved as part of the landscape scheme, shall in all respects match the materials, height and detailing of the existing boundary wall which runs along the southern boundary of the site and of which it will adjoin.

**Reason:** To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2 and 13 of the Housebuilders Design Guide SPD.

**Plans and Specifications Schedule:**

| Plan Type               | Reference | Web ID | Date Received                  |
|-------------------------|-----------|--------|--------------------------------|
| Landscaping as Proposed | A(90)-01  | -      | 29 <sup>th</sup> November 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. No amendments have been sought as the proposals are considered acceptable as submitted.

Report Dated:

16/01/2024