
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 22-Jun-2023

Subject: Planning Application 2021/90086 Erection of 14 apartments in 2 blocks and change of use and alterations to convert existing restaurant to 6 apartments Grameen Spice, 2, Bristfield Road, Grange Moor, Huddersfield, WF4 4DX

APPLICANT

Balvinder & Dharminder
Sangha, Smart Build
Solutions Ltd

DATE VALID

09-Feb-2021

TARGET DATE

11-May-2021

EXTENSION EXPIRY DATE

31-Jan-2022

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- a) **Affordable Housing:** 3 affordable dwellings (3 affordable rent)
- b) **Open space off-site contribution:** £33,149 towards off-site Public Open Space works within the area.
- c) **Metro / sustainable travel:** £25,276 towards Sustainable Travel, consisting of £13k for bus stop improvements and £10,394 for resident's bus passes
- d) **Bio-diversity:** £11,638 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified
- e) **Management and maintenance:** On-site Drainage features in perpetuity, and Ecological Net Gain elements for a minimum of 30 years.
- f) **Public footpath:** Path along the site's north edge to be kept open for the public.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 This application seeks full planning permission for the erection of 14 apartments, across two blocks, and the change of use of an existing building to 6 apartments, for a total of 20 units.
- 1.2 This application is brought to the Heavy Woollen Planning Sub-Committee due to the level of public representations (44 objections received in total), in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is within the south of Grange Moor, on the junction between Liley Lane and Bristfield Road. The site is an irregular L shape and covers 0.24ha. It consists of the former Grameen Spice restaurant, formerly the New Inn public house, its hard surfaced car park and section of grassland. The building is two storeys and has a 4 bed apartment on the first floor, is built using natural stone and has been vacant for several years.
- 2.2 To the south is Jubilee Way, a business park, consisting of modern built commercial units. To the east is urban green space. Due to the site's irregular shape, residential properties are located to the north, west, and south of the site's boundary. Neighbouring dwellings are faced in a mixture of natural stone and render. Red brick properties are also common in other parts of Grange Moor. Liley Lane is to the west of the site, which the existing building fronts onto. The car park is accessed from Bristfield Road to the north-west.

3.0 PROPOSAL

- 3.1 The application seeks full planning permission for the erection of two apartment blocks, to host 14 units across them (10 units in one, four in the other), and the conversion of the existing building into six apartments, for a total of 20 units. All units would be 1-bed. Unit sizes vary as follows:
- Six converted units: 37sqm – 87sqm
 - 10-unit new building: 46.7sqm – 52.4sqm
 - Four-unit new building: all units 37.8sqm.
- 3.2 For the converted units, there would be three units per floor. No external alterations, bar the removal of advertisements, are proposed.
- 3.3 The 10-unit building would be two storeys and located to the north-east corner of the site. The 4-unit building would also be two-storeys, and would be located in the south-east of the site. Each would be faced in stone with tile roofing. Each has a traditional Pennine vernacular architectural appearance, with stone head and cill windows. The 10-bed building would include faux filled in barn doors.
- 3.4 Access would be via the existing access point on Bristfield Road. This would lead to the car parking serving the development. There would be one parking space per dwelling (20), plus five visitor parking spaces. Cycle storage for 18 bikes is proposed. A bin-store is to be erected adjacent to the 10-unit building.
- 3.5 The route through the car park would lead to a gate onto the adjacent Urban Green Space to the east, which would provide access for maintenance vehicles etc. A 3.0m wide footway would be retained along the site's north boundary, connecting Bristfield Road to the public urban green space.
- 3.6 No formal Public Open Space is proposed on the site; however, areas of landscaping are proposed around each new build and to the rear of the converted building.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2010/93542: Erection of 2 detached dwellings and 1 semidetached dwelling, formation of access and parking area, removal of conservatory from pub and demolition of outbuilding – Granted

2011/92391: Erection of 4 dwellings, formation of access and parking area and demolition of conservatory and outbuilding to pub – Granted

4.2 Surrounding Area

Unit 2, Jubilee Park, Jubilee Way

2021/90753: Variation of condition 8 (hours of operation) of previous permission ref: 2002/92921 for erection of distribution warehouse and ancillary offices, car parking and service yard – Granted

Note: Approved 24/7 operation.

Spring Cottage, 8

2020/92251: Erection of extensions and alterations – Granted

The Grange, Bristfield Road

2019/91578: Alterations to convert first floor and part ground floor to 3 apartments – Granted

4.3 Enforcement History

COMP/22/0158: untidy land & dilapidated building – No evidence of breach.

COMP/22/0230: Untidy land/dilapidated building – Ongoing

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 As initially submitted the proposal sought 24 units (six within the existing building, the 4-unit block, and a three storey 14-unit block) with only 24 parking spaces. Officers expressed substantive concerns over the proposal as initially submitted, including the visual and residential impact of the 14-unit block, lack of parking, and lack of supporting documents, including drainage and ecology. Officers entered into negotiations with the applicant to address these issues.

5.2 The negotiations were protracted, with various revisions attempt to fit the development onto the site. Eventually, the applicant agreed to reduce the number of proposed units from 24 to 20. This allowed the 14-unit block to be amended to the 10-unit block. Following this, further negotiations took place on finessing the design and ensuring appropriate technical details had been provided.

5.3 Following various amendments, officers were in a position to support the design of the development and the technical details were acceptable. Following these discussions on the proposal's S106 requirements were progressed. The applicant was of the view the policy compliant S106 obligations would make the proposal unviable. To evidence this a viability report was submitted by the applicant. In accordance with the Council's viability guidance, an independent viability assessor was appointed to review the viability assessment submitted. In conclusion, the Council's viability assessor determined the scheme could accommodate the S106 package: this position was subsequently accepted by the applicant. With all matters resolved, officers were in a position to support the application (subject to conditions and S106).

6.0 PLANNING POLICY

6.1 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).

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

6.2 The application site is unallocated in the Kirklees Local Plan. The land to the south is a Priority Employment Area (PEA87). The land to the east is Urban Green Space (UG481).

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **LP50** – Sport and physical activity
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban green space
- **LP63** – New open space

6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

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

Guidance documents

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

National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.6 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

- 6.7 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.8 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

Public representation

- 7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.
- 7.2 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.
- 7.4 The end date for public comments was the 21st of December, 2021. In total 44 public comments were received, 33 to the first and 11 to the second public representation periods. The following is a summary of the comments made across the two representation periods:

General

- The proposal makes good use of a vacant building, as opposed to greenfield / green belt land is welcomed.
- The properties on Chapel Row have not been shown on plan.
- The local school is over prescribed and cannot accommodate more children.
- The village is family orientated and only family homes should be built, not 1-bed units.
- Three-storey development is not in keeping with the area.
- The proposal is an overdevelopment of a small site. The proposal has a density of 80 dwellings per ha, where normally the Local Plan seeks 35 dwellings per ha. Policy LP7 states only that higher densities will

be sought in principal town centres and in areas close to public transport interchanges (neither are applicable here).

- The site is currently (at the time of writing) used as a general car park for the village, partially when using the neighbouring field. There is no other car park for the village.
- The development will add crime and security concerns for users of the Public Open Space.
- No details of fire mitigation have been provided.
- The development is aimed at student accommodation but is too far from the university. Students will cause issues for existing residents.
- The site should be retained as an amenity: pub, shop restaurant etc.
- The proposed development is not what is required within the district, being only single-occupancy flats. A mixture of dwelling sizes would be better. The past applications on the site were preferable.
- It will compromise the existing equilibrium of the current village community. The plans are not sympathetic to the community or the surroundings, and harm the community spirit.
- Question why the Council have accepted 10-year-old reports as part of the proposal.
- The development will affect people wanting to use the neighbouring open space, and their access to it. It will affect parent's view of their children playing in the open space.
- The proposed development will compromise the attractive aspect of residing in an area known for its quiet existence and low crime rate.
- The units would be 'prices out' for local residents, and not be for local people.
- Local facilities are inadequate, including doctor and dental practises.
- The loss of the site for parking on a weekend, when sports games are played including by children, will displace vehicles onto local roads, raising safety risk.
- The applicant has left the site to degrade, presumably to benefit his application.

Highways

- The application fails to address the high accident rate on Liley Lane.
- There is insufficient parking for the development.
- The entrance to the site is too close to the Liley Lane and Bristfield Road junction. This junction already has queueing in the morning.
- More cars will lead to more air pollution in the village.
- Parking is an issue for the area. One parking space per flat is not enough. The visitor parking space located to the rear of the site will make it unattractive to users. The proposed units will be occupied by families with more than one car. This will result in more parking within the area, specifically Bristfield Road that is already heavily parked, which is used by school children and is a safety issue.
- One electric vehicle charging point, as stated in the application, is not enough. Its location is not shown on plan.
- The Transport Statement is inaccurate, stating traffic is moderate in the area and that the village has a post office.
- The proposal will affect emergency services ability to access the village quickly, through more traffic on the road.

- The plans fail to show where 48 bins (2 per flat) will be stored. The number of bins required will be a pest issue.
- The proposal for a bin-store adjacent to no. 2 Briestfield Road raises concerns over odour and fire safety. Furthermore, its elevations do not match the layout plan.
- The sightlines for the access are inadequate and don't meet the required standards. They require a 0.5m encroachment into the road. It is only achieved from a 2m distance, not the 2.4m that would be required. The proposal is an intensification over the site's current use and past approved use, so the access is not appropriate.
- The 10 cycle spaces would block access into the 10-unit buildings. Other cycle parking is inadequate and the fence storage is insecure.
- The proposal does not widen the footway as initially suggested by Highways DM.

Visual amenity

- The proposed design is unattractive, not comply with the building line of the area and being out of scale.
- Cottages to the north are single storey, with that proposed being two. It will appear overly large and dominating.

Residential Amenity

- The application is not supported by a Noise Impact Assessment: given its proximity to commercial developments that operate 24/7, this is not acceptable.
- The proposal will affect the right to light for properties to the north.
- The proposal will lead to harmful impact on existing residents, including overbearing, overshadowing, and overlooking.
- The proposal will cause harmful noise pollution and disturbance.
- The proposal will harm people's views out of their dwellings.

7.5 The site is within Kirkburton Ward, where members are Councillor Bill Armer, Councillor Richard Smith and Councillor John Taylor. The ward councillors were notified at the time of submission. Councillor Armer asked to be kept up to date with the application.

8.0 CONSULTATION RESPONSES

The following provides a summary of the consultation responses received. Where appropriate, these are expanded upon in the main assessment below.

8.1 Statutory

K.C. Highways DM: Expressed initial objection, due to lack of details. Were involved in discussions with the applicant. Following submission of further details, confirmed no objection subject to conditions.

K.C. Lead Local Flood Authority: The applicant has demonstrated the site would not suffer from flood risk and that adequate surface water drainage facilities may be provided. No objection subject to conditions.

Sport England: Object to the proposal and expressed an initial view that the proposal should be called into the Secretary of State if the LPA was minded to approve. Their concerns relate to the development will put pressure on the use of the adjacent pitch, which is used by local sports teams. Representations mention the site, specifically the car park, is used by players and its loss would affect the attractiveness of the pitch and may lead to dangerous parking on local roads. Therefore, the applicant should pay to provide alternative parking at Grange Moor football ground.

On confirmation from the applicant that any parking is informal and/or unauthorised, with no formal ties, along with review of Sport England's own guidance, Sport England confirmed they maintain their objection, unless improvements to Grange Moor football ground are made, but would not request that the application be called into the Secretary of State if the LPA was minded to approve

The Coal Authority: Based on the submitted Coal Mining Risk Assessment, no objection subject to conditions.

Yorkshire Water: No objection subject to conditions.

8.2 **Non-statutory**

K.C. Crime Prevention: No objection, subject to condition relating to crime mitigation measures.

K.C. Ecology: No objection subject to conditions and securing £11,638 towards Net Gain in the area.

K.C. Environmental Health: No objection subject to conditions relating to ground conditions, noise management, charging points, construction management, and external lighting.

K.C. Landscape: No objection subject to conditions on landscaping and securing off-site Public Open Space contribution, calculated at £33,149 for 20 1-bed dwellings.

West Yorkshire Metro: Advised that if minded to approve, contributions should be sought to improve local bus infrastructure and promote alternative methods of travel. This is recommended as £13,000 for bus stop improvements and £10,394 for resident's bus passes.

9.0 **MAIN ISSUES**

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage and flood risk
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Land allocation and residential development

- 10.2 The site is unallocated on the Kirklees Local Plan Policies Map and is therefore not identified for any specific use (i.e., housing or retail). When considering such sites, Policy LP1 states that;

Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:

a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

b. specific policies in that Framework indicate that development should be restricted.

- 10.3 Such material considerations will be assessed throughout this report
- 10.4 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.
- 10.5 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.

- 10.6 Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.7 Policy LP7 relates to ensuring the “efficient and effective use of land and buildings”. This policy promotes re-using brownfield / vacant buildings, particularly those in sustainable locations, which this proposal would comply with. Specific to residential proposals, the policy also seeks to promote a density of 35 dwellings per ha, where appropriate. This is more than achieved as an apartment development, with the density proposed representing 75 dwellings per ha. Officers therefore consider the proposal and effective and efficient use of land, in compliance with Policy LP7.
- 10.8 Policy LP11 requires 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 in line with the latest evidence of housing need.* The accommodation proposed is considered to be a suitably high quality, as will be further explored throughout this report.
- 10.9 Regarding housing mix, Local Plan Policy LP11 seeks for proposals to provide a representative mix of house types for local needs. This is expanded upon and detailed within the Council’s Affordable Housing and Housing Mix SPD (March 2023). However, as the Council’s Affordable Housing and Housing Mix SPD (March 2023) was only adopted towards the end of this application’s assessment, reasonable transitional arrangements are required and full adherence to all guidance within the SPD cannot reasonably be expected.
- 10.10 The following is the SPD expectation, for information purposes, against that proposed:

	SPD Expected Mixture (Kirklees Rural East)	Proposed Mixture
1 and 2beds	30 – 60%	100%
3beds	25 – 45%	0%
4beds +	5 – 25%	0%

- 10.11 The proposal does not conform to the recently adopted SPD’s expectations, which was adopted March 2023. However, negotiations between the applicant and officers on the housing mixture were predicated on the older Strategic Housing Market Assessment (SHMA), which did not set housing mixture ratios into policy. Therefore, reasonable allowances for transitional period for older applications, submitted and negotiated prior to the SPD, must be given. Furthermore, as a dedicated apartment development, with limited opportunity for private garden space, 3 and 4+beds would not be particularly compatible with the form of development applied for. The SPD does not intent to prevent specific apartment only development, with it stating:

This information should be used as a starting point for both market housing and affordable housing contributions for all developments unless robust evidence justifies otherwise. It is acknowledged that it may not be possible to achieve the exact percentages but these provide starting point which seeks to ensure the housing mix aligns with local needs

In addition, it is noted that 1 and 2bed units are in the most demand for Kirklees Rural East, with the proposal being within the more focused village of Grange Moor where anecdotal evidence provided by the applicant suggest that 1 and 2bed units are further limited and in greater demand. Overall, while the proposal does not comply with the recently adopted SPD, it would deliver a needed housing type at a time of demand.

- 10.12 In light of the above, while the housing mixture does not comply with the Council's Affordable Housing and Housing Mix SPD, this is considered to be justified, with reasonable allowance for a transition period. Furthermore, the impact of the limited housing mixture of this apartment scheme would be offset by the benefits of a denser, more effective use of land that it would delivery. Accordingly, the proposal is deemed to be an effective and efficient use of land.

Sustainable development and climate change

- 10.13 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.14 The re-use of pre-existing buildings and the effective use of brownfield land has various economic, social, and environmental benefits, including the conservation of energy and materials which is a positive of the proposal.
- 10.15 The site is within an urban environment, lying within an existing established settlement and close to various local amenities and facilities. Bus stops adjacent to the site give reasonable access to local centres as well as district centres such as Huddersfield and Wakefield. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.16 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

Impact on adjacent Urban Green Space and neighbouring playing pitch

- 10.17 The land to the east of the site is Urban Green Space (UGS), but would not encroach into it. As such, there would be no direct loss of Urban Green Space. In terms of accessibility, a path through the site from Briestfield Road is to maintain access for pedestrians, while the internal road is to give access to the UGS for maintenance vehicles. Therefore, there will be no indirect harm to the UGS.

- 10.18 Notwithstanding the above, the UGS hosts a playing pitch and consultation was undertaken with Sport England. Sport England have objected to the proposal, due to the proposal's perceived impact upon the playing pitch. Sport England note, through anecdotal evidence from representations, that the application site has historically been used for car parking for users of the pitch on match / practise days. The loss of the car park would therefore prejudice the attractiveness, and therefore use, of the pitch. This concern led to Sport England to offer a formal objection to the proposal.
- 10.19 Sport England stated that their concern could be addressed, via the applicant paying to improve and enhance a nearby changing room and parking area at Grange Moor Football Ground. If unwilling to do so, Sport England initially they stated that, should the Local Planning Authority be minded to approve the application, they would ask for the application to be referred to the Secretary of State, via the National Planning Casework Unit, prior to determination.
- 10.20 The applicant expressed objection to Sport England's comments. They stated that any use of their site for parking, if it took place, was informal and not with their agreement. There is no legal tie or planning obligation between the application site and the pitch to enforce any association. As such, since March 2021, the applicant has blocked access to the car park and all use of the car park has ended.
- 10.21 Sport England were notified of the above. Nonetheless, they maintain their objection. However, they confirmed that as the proposal does not directly result in harm to the pitch, they no longer require the application to be presented to the Secretary of State if the LPA is minded to approve.
- 10.22 Officers concur with the applicant in this case. There is no tie between the car park and the pitch, bar their proximity. They are in separate ownerships, with no evidence of anything more than an informal, historic association provided. Ultimately the applicant is within their right to close the car park and prevent pitch users parking there, as they have exercised since 2021. As the proposal would not lead to direct harm of the pitch, in accordance with Policies LP47 and LP50, it would be unreasonable to require the applicant to contribute towards improvements and/or replacement facilities associated with the un-associated pitch in this case.

Urban Design

- 10.23 Chapters 11 and 12 of the NPPF, and Local Plan Policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide and National Design Guide.
- 10.24 At present the site is vacant and has begun to degrade. Representations have commented that the empty building on site is detrimental to the visual amenity of the village. Officers consider the site to hold limited visual amenity value at present and holds no intrinsic design value: its re-development is not opposed.
- 10.25 No physical changes, bar the removal of advertisements associated with the restaurant, are proposed to the existing Grameen Spice building on site. The building at present is not unattractive, bar beginning to show signs of vacancy. Bringing it back into use, as built, is not opposed.

- 10.26 The new buildings would be located to the rear of the site. Representations have raised concerns that the development would not respect the 'building line' of the village. While it is accepted that most buildings in Grange Moor front onto the public highway, the village does not have a definitive 'building line'. The village is made up of irregular roads that given an organic pattern to its layout as opposed to a regimented organization. Proximity to the road is varied, with some buildings fronting the road, others set back. There are also various examples of buildings being set off smaller private roads, away from the public highway, including close to the site The Grange public house, the bungalows nos. 1 – 4 Chapel Row to the north of the site and the cottages nos. 2 – 6 Liley Lane to the east. As such, the proposed layout is considered acceptable.
- 10.27 In terms of size, the new buildings would be two-storey, which is typical for the area. While bungalows are located to the north of the site, bungalows adjacent to two-storey buildings is not unusual and, given the separation distance, will not appear jarring. The 10-bed unit is larger (in footprint) than the structures immediately adjacent to it, but not overly so and would not appear out of context in its setting. Its size is equivariant to The Grange public house to the north. Although the size and shape of the site is restrictive, there is considered adequate spacing around the building so as not to appear cramped. The 4-bed unit is comparable to a typical semi-detached pair and would be, roughly, aligned with nos. 2 – 6 Liley Lane. The size and massing of the new buildings are considered acceptable.
- 10.28 The architectural detailing of the new units is considered attractive and in keeping with the area. Each has a simple, yet traditional design that reflects the architectural form of the older housing stock in the village. The 10-unit building includes element of architectural interest, including projecting gable section to add depth to the elevation, and faux infilled barn doors. A condition requiring details of the faux filled in sections, to ensure they are suitably recessed to achieve the intended objective and be readable from a distance (typically a 30cm recession) is proposed.
- 10.29 Materials are proposed as 'stone and tile', with no specifics given. Officers consider the use of natural stone mandatory for this development. Natural stone is the predominant material in the immediate area and wider village; an artificial substitute would be of an inferior quality that would detract from the amenity of the area. Therefore, a condition requiring the use of natural stone, with samples to be provided and approved is recommended. Roofing materials are more varied in the area, and officers do not consider the use of natural materials to be necessary (although their inclusion would be welcomed). Suitably high-quality artificial materials would be acceptable: a condition is recommended requiring samples of roofing materials to be provided and agreed prior to their use.
- 10.30 In terms of other works, most of the site's rear is already a hard surfaced car park that would be retained as such, to deliver the 25 parking spaces to serve the development. Pockets of landscaping are proposed to the building's rear, which would be a welcomed introduction, although detailed landscaping information (planting species, locations, densities etc.) has not been provided. A condition for a full landscaping strategy is therefore recommended. At present the area to the front of the existing Grameen Spice building is hard

surfaced: officers would expect this to be broken up by landscaping and/or measures to avoid parking here, again which may be secured via condition. Boundary treatment to the north and south of the site is to be kept as existing, however no specific details on the eastern boundary treatment (to the adjacent Public Open Space) have been provided. Such details would need to balance the amenity of residents, visual amenity, and crime mitigation but would not be prohibitively difficult to resolve via condition.

- 10.31 A bin-store is to be located adjacent to the site's entrance and cycle sheds are located through the development. These are typical paraphernalia for a residential development, partially apartments, and their inclusion welcomed for their benefits. The bin-store adjacent to the access is not ideal, but a utilitarian structure by the public realm, but mandatory for effective refuse collection: other locations were attempted, but discounted as inappropriate. However, there are noted to be inconsistencies between the layout of the bin-store and the elevations provided, which are considered to be indicative. Furthermore, at only 1m in height, they are unlikely to appropriately screen the bins. Concerns over fire safety of the bins, being adjacent to no. 2 Briestfield Road have also been raised within the representations: while a Building Regulations matter at its core, a condition is proposed requiring detailed elevations of the bin-store which may address fire concerns also.
- 10.32 Located circa 200m to the north-east is a Grade 2 Listed Dumb Steeple. Given the separation distance and intervening development, officers are satisfied that the proposal would not impact upon the heritage asset. No other heritage assets are within the area.
- 10.33 In summary, it is accepted that the proposed works would change the character and appearance of the site and, to a lesser degree, the wider area. Nonetheless, the proposed development is considered to be well designed to a high standard. The proposal would represent an attractive inclusion within the village and be of high quality. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

Residential Amenity

- 10.34 Local Plan Policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. Existing third-party residential properties are located adjacent to the site's north and south/west boundaries.
- 10.35 First considering the conversion of the existing building on site, as an existing building there are no concerns relating to overbearing and/or overshadowing. There are no windows on the south elevation, which sits upon the shared boundary with no. 8 Liley Lane, that would result in harmful overlooking and no other windows are orientated to provide a detrimental outlook onto neighbouring land.
- 10.36 The 10-unit block is the largest of the two new build blocks. Its blank side elevation would be circa 20m away from the original elevations of the units to the north, consisting of nos. 1 – 4 Chapel Row, although no. 1 does have an extension that has a habitable room window facing the site that would reduce the separation to 14.0m. While the new building would be clearly visible from

these units, these separation distances are considered sufficient to prevent materially harmful overbearing or overshadowing being caused upon the occupiers of nos. 1 – 4.

- 10.37 To the west of the 10-unit block is no. 8 (aka Spring Cottage) on Liley Lane. The building-to-building separation distance is 29.7m, although no. 8 does have an extant planning permission which would reduce this to 28.5m. These separation distances are sufficient to prevent concerns of overlooking, overbearing or overshadowing between building. However, the new building would be 9.5m away from the shared boundary and due regard must be given to whether this would prejudice no 8's amenity, principally through overlooking and loss of privacy. The LPA does not hold policy or guidance on expected separation distances between new buildings and garden spaces, requiring a site-by-site assessment. The ground floor windows of the new building would be fully screened by the existing boundary treatment. The first-floor window, through negotiations, would be bedrooms. While habitable rooms, bedroom windows are less likely to be occupied through the day. Furthermore, during the application the height of the building has been reduced from three storeys and its location amended to minimise the impact upon neighbouring occupiers, including no. 8. Weighing these factors, alongside the scale of no. 8's garden and the sizeable area which would be in excess of 12m away from the building, mitigation through the existing boundary treatment, and the separation distance between the building causing no concern, officers are satisfied that the proposed building's proximity to the shared boundary and no. 8's garden would not materially prejudice the amenity value of no. 8's occupiers.
- 10.38 Progressing to the 4-unit new block, this would be aligned but set back by circa 4.3m from the terrace row hosting nos. 2 – 6 Liley Lane, with no. 6 being the unit adjacent to the development. While set back, given the side-to-side separation distance of 8.3m between the new block and no. 6, the new block would be suitably set away to not result in materially harmful overbearing or overshadowing, either from no. 6's garden or dwellinghouse. The new unit's front and rear windows would not have an invasive view towards no. 6 or the other terrace units, and no side facing windows are proposed which would result in harmful overlooking of no. 6's private garden area.
- 10.39 The above assessment is based on the proposal as submitted. As flats, the proposed dwellings post completion (if minded to approve) would not benefit from Permitted Development for windows / extensions etc and therefore the removal of Permitted Development rights is not required.
- 10.40 The proposed development places car parking and its access route adjacent to the boundary with the neighbouring properties, partially no. 8 Liley Lane due to its garden sharing a north and east boundary with the site. The coming and going of residents from the car parking area may cause a degree of disruption to existing occupiers through noise. However, due regard must be given to the site's existing use: it is already largely a car park. Therefore, consideration must be given to the site's use as a car park for a restaurant (formally a public house), a use which could re-commence without planning permission, and a residential car park. The proposed car park is not anticipated to be more traffic / busy than the restaurant could be, and while the restaurant / public house would presumably close prior to unsociable hours, the coming and going of residents at such hours is unlikely to be materially significant. Ultimately, officers do not consider there to be a material difference and the proposed car park is not opposed.

- 10.41 Notwithstanding the above, it is expected that the car park will be illuminated, for the convenience and safety of residents. A condition for a lighting strategy, to ensure the lighting scheme does not cause harmful light pollution upon existing and future residents, is therefore considered necessary.
- 10.42 To appropriately manage the construction phase, a condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.43 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.44 The sizes of the proposed residential units are a material planning consideration. Local Plan Policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.45 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.
- 10.46 All 20 units are 1-bed in size. For the units within the two new buildings, sizes vary between 37.8sqm and 52.8sqm. Units within the converted building vary between 37sqm and 87sqm (notable variance due to working to the existing shape / structure of the building). The NDSS minimum size for a 1bed 1storey unit is 37sqm, which all units would meet or exceed, which is welcomed. Furthermore, all habitable rooms would have suitably sized windows that provides a clear outlook and level of natural light. This is subject to securing appropriate boundary treatment to the rear of the site, adjoining the Urban Green Space, securable via condition.
- 10.47 Unit 15, on the ground floor within the converted building, would have windows directly onto the pavement of Briestfield Road. These windows are to serve a living room, which benefits from windows on another elevation as well, and a bathroom. To secure the amenity of future occupiers it is considered necessary to condition that these windows be obscure glazed.

- 10.48 The proposed dwellings would not have dedicated private garden spaces. However, such provision is not usual for apartment units and the site is within a semi-rural environment, with open countryside in easy walking distance, ensuring direct access to the outdoors and the amenity it offers. In addition, while no Public Open Space is proposed on the site, the site is adjacent to several Public Open Spaces, again providing direct access, that the proposal will contribute towards financially. Please see paragraph 10.93 for further details.
- 10.49 The nearby Liley Lane and adjacent commercial units are sources of potential noise pollution, as is the recreation ground in the eastern Public Open Space. However, none of these potential noise pollutions are considered fundamental issues, as evidenced by existing residential properties alongside them. A condition for a noise mitigation strategy, to review the existing noise climate and provide appropriate mitigation for future occupiers, is however recommended by officers and Environmental Health.
- 10.50 The proposed development would not prejudice the amenity of neighbouring residents. Future occupiers can expect a high standard of amenity, subject to the given conditions. Accordingly, the proposal is considered to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

Highway

- 10.51 Local Plan Policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.52 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 10.53 First considering traffic generation, due regard must be given to the existing (albeit currently vacant) use. As a restaurant, with apartment above, the site's current traffic generation would be focused in the evening period when the restaurant was most busy. Using the TRICS database, the applicant identifies the existing restaurant use as having approximately 98 two-way movements per day. The proposed residential development will be spread out through the day, with the normal AM (0800 – 0900) and PM (1700 – 1800) peaks. Using the TRICS database, the applicant calculates the proposed development having a traffic generation of 52 two-way movements. In summary, the applicant's Transport Statement concludes:

It is considered that the anticipated traffic generated by the proposed development would not be discernible from the daily fluctuations in flows that could be expected on the local highway network. The level of traffic generated by the proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.

Planning and Highways Development Management officers agree with the above, and anticipate that the proposal would represent a reduction in traffic movements from the approved use.

- 10.54 Progressing to the internal layout, the site is to host a parking forecourt as opposed to an estate road. The details provided, such as the forecourt layout, geometry and capability to host turning vehicles, have been reviewed by K.C. Highways and found to be acceptable. In terms of access point, the site's existing access is to be used. Acceptable sightline to the east has been demonstrated on plan. To the west, Bristfield Road connects to Liley Lane, thus resulting in lower sightlines.
- 10.55 A total of 25 parking spaces are proposed. This consists of 20 for the flats, at a rate of one to one, and five visitor spaces. This provision is consistent with the expectations of the Highways Design Guide and is welcomed. The delivery of all of these spaces may be secured via condition, to ensure sufficient parking.
- 10.56 The proposal includes 20 cycle parking spaces, at one per dwelling. This is welcomed, although details of the cycle parking provision, to ensure it is fit for purpose (secure from crime and the elements) is recommended. However, concerns are held over the location of the 10 cycle parking spaces to serve the 10-unit block. As proposed, they would partly block the window of flat 2's living room, partially if the cycle store is a substantial structure. An additional condition, requiring details of an appropriate alternative location for these cycle spaces, is therefore considered necessary to avoid conflict with flat 2's amenity.
- 10.57 The internal forecourt proposed can accommodate internal turning of an 11.85m refuse vehicle. However, as a private road, it is unlikely refuse services would enter the site. Therefore, a bin-storage point has been located to the front of the site, adjacent to the access onto Bristfield Road. This will enable the effective and efficient collection of waste for refuse services. However, this will require a carry distance of circa 60m for residents in the 4-unit block. This is in excess of the maximum desirable distance of 30m. Due to the size and shape of the site, this distance is a necessity without effectively preventing the development of a sizable portion of the site. Therefore, while the carry distance for residents is noted, on balance it is not considered to carry significant negative weight against the proposal.
- 10.58 The submitted plans currently show a 1.0m enclosed fence around the bin-store: this would be insufficient for amenity and security. A condition for details of a secure and appropriate bin-store arrangement are to be secured via condition, along with its delivery.

Sustainable Travel

- 10.59 Policy LP20 of the Kirklees Local Plan states *'The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.'*
- 10.60 Travel Plans are not required for residential developments below 50 units. Nonetheless, due regard has been given to other methods of sustainable travel and how they may be promoted / improved.
- 10.61 Grange Moor hosts several amenities that can accommodate residents' day to day needs via walking, including a small general store and public house. The site is also within 5km, a type maximum cycle distance, of several local centres, including Lepton, Kirburton, Mirfield, and Ravensthorpe, where other amenities and facilities can be found.
- 10.62 Regarding public transport, the site is adjacent to stops on Liley Lane that connect towards Huddersfield, Wakefield, and Dewsbury. To promote buses as a viable alternative, a S106 contribution of £25,276 towards Sustainable Travel, consisting of £13k for bus stop improvements and £10,394 for resident's bus passes, has been secured.
- 10.63 In regard to other methods of travel, opportunities for cycle improvement in the area are limited. Nonetheless, the provision of cycle storage facilities and electric vehicle charging points (EVCP), one per dwelling, are also recommended to be secured via condition. This is to promote alternative, low emission, methods of travel.
- 10.64 The site is considered to be within a sustainable location and the proposal will contribute towards local bus provision. Other conditions relating to cycle storage and EVCP are proposed. As such, the development is deemed to comply with the aims of LP20.

Public right of way

- 10.65 There are no currently recorded Public Rights of Way Definitive Map on or around the site. However, the Council has received an application for a Definitive Map Modification Order (DMMO) to add to the Definitive Map and Statement of public rights of way (the DMS) a public footpath through the proposed development site.
- 10.66 The claimed route commences at Briesfield Avenue and runs along the site's northern boundary into the eastern Public Open Space, where it continues across the open space before connecting to Greenfield Crescent.
- 10.67 Without prejudice to the ongoing Definitive Map Modification Order (DMMO) application, the route of the claimed path would not conflict with the proposed development and has been incorporated into the proposed design. A 2.0m wide footway is proposed along the northern boundary of the site to allow public access. This is welcomed, however, in the interest of preserving the

route for the public, the retention of the path being kept open is to be secured within the S106. Regardless of the DMMO, this is a positive element of the proposal and would promote walkability for local residents, in accordance with the aims of Policy LP21.

Drainage and flood risk

- 10.68 The site is within Flood Zone 1 and below 1ha in size. Therefore, a site-specific Flood Risk Assessment is not required.
- 10.69 Due regard must still be given to surface water flood risk (i.e., rainfall). A surface water drainage strategy has been submitted and reviewed by the LLFA. Discharge into the combined sewer on Bristfield Road has been accepted, as infiltration and discharging to watercourse have been discounted. The proposed discharge rate of 2l/s is opposed by the LLFA, as the minimum acceptable (to prevent blockage) is 3.5l/s (per ha). Given that this change would reduce the size of the attenuation tank, which is in itself not opposed, there are considered no prohibitive issues. Nonetheless, the LLFA have requested a condition for a fully detailed drainage strategy, to be secured via condition, which may address this minor issue. A condition for exceedance event flood routing, to demonstrate where water would go should the attenuation tank fail and/or capacity be exceeded.
- 10.70 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.71 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of Policies LP28 and LP29 of the Kirklees Local Plan.

Other Matters

Air Quality

- 10.72 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.73 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within Policies LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, either 1 per 10 parking spaces for unallocated car parking, or 1 per dwelling for allocated car parking. It is unknown how the site's parking will be managed, but this provision may be secured via condition. The purpose of this is to promote modes of transport with low impact on air quality.
- 10.74 Subject to a condition requiring this provision, the proposal is considered to comply with Policies LP24(d) and LP51 of the Local Plan.

Contaminated land

- 10.75 The site and/or nearby land is potentially contaminated due to historic uses. The applicant has submitted Phase 1 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 report has been accepted; however, it identifies that a Phase 2 report is required, and presumably remediation measures. Accordingly, KC Environmental Health recommend conditions relating to further ground investigations. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of Policy LP53.

Coal legacy

- 10.76 The site is within an area identified at being at High Risk from historic coal mining. The application is supported by a Coal Mining Risk Assessment (CMRA) which has been reviewed by the Coal Authority. The Coal Authority consider the CMRA's assessment to be acceptable and adequately considers the implications of coal risk for the site. It sets out an indicative investigation and remediation process, to the satisfaction of the Coal Authority, who support the application subject to the imposition of conditions to secure such works. Subject to this, the proposal complies with the aims and objectives of Policy LP53.

Crime Mitigation

- 10.77 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments.
- 10.78 A condition is proposed for crime mitigation details to be provided. This will require consideration of the site's rear boundary, finding an appropriate balance between an attractive design which does not prejudice amenity with security being adjacent to a public area, and consideration of the security for the bike / car parking area, including lighting.

Ecology

- 10.79 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.80 The application is supported by a Preliminary Ecological Appraisal (PEA), which is appropriate for the nature of the development. The PEA identifies that the site has limited ecological habitat value, due to consisting predominantly of hard surfaced area and a small area of (formally) managed grassland. Development of the area is not considered a cause for concern and would not prejudice local species.

- 10.81 The PEA does note that the existing building on site has moderate potential to host roosting bats, with no survey undertaken. However, as the proposed works are a conversion of the building which will not affect the roof, further investigation on this matter is not deemed necessary for the determination of the application. However, in the event that roof works are required as part of the conversion, a condition is recommended requiring an up-to-date survey be provided and any necessary mitigation undertaken prior to works upon or within the roof taking place.
- 10.82 Notwithstanding the above, all major developments are required to deliver 10% net gain in the site's ecological value. If this cannot be achieved, improvements in the area may be considered, or an off-site contribution.
- 10.83 The application's Biodiversity Net Gain metric calculates that post-development, the development will result in an 100% net loss of habitat units on the site. However, the site is of limited value at present, having a base of only 0.46 units. It is not unusual for a smaller site, particularly a brownfield development with limited starting value, to struggle to achieve a net gain or avoid a large shortfall. There are limited options to maximise the availability of habitat units within the site, and officers are satisfied that these have been considered and discounted. As such, off-setting will be required in order for the development to achieve a biodiversity net gain. In order for the development to achieve a net gain, 0.506 habitat units (a 10% increase of 0.46) will need to be delivered. Commuted sums are calculated on the basis of £20,000 per habitat unit (national average taken from DEFRA's latest BNG impact assessment) plus a 15% admin fee (as detailed in the BNG technical advice note). Therefore, a commuted sum of £11,638 would be required in order for the development to achieve a 10% biodiversity net gain, unless the applicant is able to find an alternative site in the vicinity where this could be delivered. This may be secured within the S106.
- 10.84 Separate to the site's net gain value, policy seeks for proposals to look to support other forms of ecological enhancements, such as bat boxes. A condition for an Ecological Design Strategy is recommended for the applicant to consider and deliver such measures. An additional condition is recommended that clearance be done outside of the bird breeding season (unless appropriate pre-survey is undertaken).
- 10.85 Subject to the given conditions and securing the off-site ecological contribution, the proposal is considered to comply with the aims and objectives of Policy LP30 of the Kirklees Local Plan.

Planning obligations

- 10.86 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

Affordable Housing

- 10.87 Policy LP11 of the Local Plan and the Council's Affordable Housing and Housing Mix SPD requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution of 20 units would be 4 units.
- 10.88 Due regard must be given to national policy on Vacant Building Credit, which the Government summarises as:

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

- 10.89 Officers are satisfied that the Grameen Spice building fits into the criteria for Vacant Building Credit. Therefore, the proportion of the re-used floor space (297sqm) must be compared against the total end floor space (955sqm (consisting of the converted floor space (297sqm) + new build (658sqm)), which comes to 31%. Thus, the policy starting point figure, 4 units, is reduced by 31%, to 3 units (rounded up).
- 10.90 In terms of the mixture of units, the Affordable Housing and Housing Mix SPD and National Planning Policy Guidance states that all affordable units within a Built to Rent scheme, such as that proposed, shall be affordable rent only. Therefore all 3 affordable units are to be secured as affordable rent.

Ecology

- 10.91 An off-site contribution of £11,638 has been identified to secure a 10% ecological net gain. See paragraph 10.83 for details.

Public Open Space

- 10.92 In accordance with Policy LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.93 No on-site open space provision is proposed. This is considered acceptable, given the site's proximity to open space and semi-rural location. However, this would put additional pressure on nearby open space. Therefore, an off-site contribution of £33,149 is required. This has been calculated in accordance with the Kirklees Public Open Space SPD. The contribution is recommended to be secured within the S106 to ensure compliance with Policy LP63 of the Kirklees Local Plan.

Sustainable Travel

- 10.94 As detailed in paragraph 10.62, a contribution is sought to improve the local bus service. Specifically, £13,000 is sought to provide a shelter to the nearest bus stop on Liley Lane (ID15236). This is to promote and enhance alternative methods of travel. Furthermore, a contribution of £10,394 for resident's bus passes is sought. The provision of this contribution is considered to comply with the aims of Policy LP20 of the KLP.

Management and Maintenance

- 10.95 Clauses are required to ensure appropriate arrangements are in place for the ongoing management and maintenance of certain features on the site. This includes arrangements for the management and maintenance of drainage infrastructure (prior to adoption by a statutory undertaker) in perpetuity, and any on-site Ecological Net Gain features for a minimum of 30 years.

Representations

- 10.96 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

General

- The applicant has left the site to degrade, presumably to benefit his application.

Response: This is speculation and carries no material weight.

- The units would be 'prices out' for local residents, and not be for local people.

Response: The proposal is to include three units at affordable rent. Beyond this, the price of units is a private matter for the applicant.

- The loss of the site for parking on a weekend, when sports games are played including by children, will displace vehicles onto local roads, raising safety risk.

Response: It is accepted that visitors to the Urban Green Space / pitch will have to park elsewhere. However, as per the applicant's decision to close the site since March 2021, the land is privately owned with no legal tie requiring it to be kept open in association with the pitch. This is a private matter for the applicant and there is no requirement for them to deliver alternative parking.

- The properties on Chapel Row have not been shown on plan.

Response: This was addressed via amended plans.

- The site should be retained as an amenity: pub, shop restaurant etc.

Response: Officers must assess the proposal as submitted, against material planning policies. Unless it is allocated within the Local Plan, officers cannot enforce a certain use on a site. The site is under private ownership and is unallocated in the Local Plan.

- Local facilities are inadequate, including doctor and dental practises.
- The local school is over prescribed and cannot accommodate more children.

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

With regard to schools, as 1-bed apartments no school aged students are expected to occupy these units full time and it would be against policy to seek an education contribution for such a proposal (furthermore, education contributions are only sought on schemes for 25+ units).

- The development is aimed at student accommodation, but is too far from the university. Students will cause issues for existing residents.

Response: There is no suggestion that this development is targeted at students.

- It will compromise the existing equilibrium of the current village community. The plans are not sympathetic to the community or the surroundings, and harm the community spirit.
- The village is family orientated and only family homes should be built, not 1-bed units.
- The proposed development is not what is required within the district, being only single-occupancy flats. A mixture of dwelling sizes would be better. The past applications on the site were preferable.

Response: Local Plan policies support mixed and balanced communities. While it is accepted the proposal is for only 1bed units, in the village / subdistrict as a whole there is a demand for 1bed units.

- The proposal is an overdevelopment of a small site. The proposal has a density of 80 dwellings per ha, where normally the Local Plan seeks 35 dwellings per ha. Policy LP7 states only that higher densities will be sought in principal town centres and in areas close to public transport interchanges (neither are applicable here).

Response: Policy LP7 does that that “higher densities will be sought in principal town centres and in areas close to public transport interchanges”. It does not however exclude higher densities elsewhere. For the reasons given in this report, the density is considered acceptable.

- The development will add crime and security concerns for users of the Public Open Space.
- The development will affect people wanting to use the neighbouring open space, and their access to it. It will affect parent’s view of their children playing in the open space.
- The proposed development will compromise the attractive aspect of residing in an area known for its quiet existence and low crime rate.

Response: Officers and the K.C. Designing Out Crime Officer do not expect the development to generate crime, nor prejudice the use of the Public Open Space. A condition is recommended for crime mitigation measures; however, this principally relates to protecting the future development from crime.

- Question why the Council have accepted 10-year-old reports as part of the proposal.

Response: The report in question, a Phase 1 Contaminated Land Report, was not accepted. An up-to-date report was provided and found to be acceptable by K.C. Environmental Health.

- No details of fire mitigation have been provided.

Response: Fire mitigation is a consideration of Building Regulations and does not fall to be considered in planning (unless the building is classified as ‘high rise’ at over 18m or 7 storeys).

Highways

- The proposal will affect emergency services ability to access the village quickly, through more traffic on the road.
- The application fails to address the high accident rate on Liley Lane.

Response: The site is considered to have sufficient parking on site to accommodate the expected demand. The number of traffic movements, partially giving regard to the site’s existing use, is not expected to materially impact on the network nor exacerbate any existing issues.

- The sightlines for the access are inadequate and don’t meet the required standards. They require a 0.5 encroachment into the road. It is only achieved from a 2m distance, not the 2.4m that would be required. The proposal is an intensification over the site’s current use and past approved use, so the access is not appropriate.
- The entrance to the site is too close to the Liley Lane and Bristfield Road junction. This junction already has queueing in the morning.

Response: The development utilises the existing access arrangements, which provides visibility splays of 2m x 43m to the right (critical direction) and 2m x tangential to the left (enabling visibility to the junction with Liley Lane). Whilst an X distance of 2.4m is normally used in most built-up situations, an X

distance of 2m can be considered. Using this value will mean that the front of some vehicles exiting the development will protrude slightly into the carriageway, the reduced X distance tends to encourage drivers to emerge more cautiously. In these situations, consideration needs to be given to the ability of drivers and cyclists to see the exiting vehicle from a reasonable distance and to manoeuvre around it without undue difficulty. Forward visibility for vehicles travelling along Bristfield Road towards the development access is good, enabling drivers on Bristfield Road to see any emerging vehicle. A review of accident records shows that there have been no recorded accidents associated with the access in the preceding five-year period and that the access appears to operate satisfactorily. Given that the development utilises the existing access arrangements which appear to operate satisfactorily and is not expected to be a material intensification in traffic movements over the approved use, it is considered that the proposed access visibility is acceptable and will not result in any undue highway safety implications.

- The proposal does not widen the footway as initially suggested by Highways DM.

Response: In discussions with the applicant, and upon receipt of acceptable sightlines, it was concluded this was not necessary to secure a safe access arrangement.

- The plans fail to show where 48 bins (2 per flat) will be stored. The number of bins required will be a pest issue.
- The proposal for a bin-store adjacent to no. 2 Bristfield Road raises concerns over odour and fire safety. Furthermore, its elevations do not match the layout plan.

Response: As an apartment development, communal bins will be used as opposed to one general / one recycling bin per unit. As detailed within the report, officers are to seek further details on the bin-store to ensure it does not prejudice the amenity of future or existing residents, via condition. This would allow the applicant to address potential fire safety issues that may be raised at Building Regulations stage.

- Parking is an issue for the area. One parking space per flat is not enough. The visitor parking space located to the rear of the site will make it unattractive to users. The proposed units will be occupied by families with more than one car. This will result in more parking within the area, specifically Bristfield Road that is already heavily parked, which is used by school children and is a safety issue.

Response: The Council's Highways Design Guide requires one-bed flats to have one parking space, and visitor parking spaces to be provided at a ratio of 1:4. These standards have been reached. The visitor parking location is noted but, is on balance, not considered to weigh against the proposal.

Residential Amenity

- The proposal will harm people's views out of their dwellings. The proposal will affect the right to light for properties to the north.

Response: There is no 'right to a view in planning' when considering a proposals impact upon residential amenity. However, due regard must be given to the amenity of neighbouring (and future) occupiers, as per the assessment in paragraphs 10.34 – 10.42. The 'right to light' is a separate legal concept outside of planning. Overshadowing is a material consideration. However, officers are satisfied that the proposal would not result in materially harmful overshadowing of neighbouring land.

11.0 CONCLUSION

- 11.1 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.
- 11.2 The proposal would bring a vacant building, and its land, back into a beneficial use in both an effective and efficient way. Therefore, the principle of development is acceptable.
- 11.3 The proposal's design is considered high quality and attractive. The proposed development is not deemed harmful to the amenity of local residents, nor would it harm the safe and effective operation of the highway, subject to the recommended conditions. Other material considerations have been assessed, including drainage and ecology, and likewise have been demonstrated to have acceptable impacts.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Details of faux infilled sections
4. Material samples, to include natural stone, to be provided.
5. Landscaping strategy, including to the front of the Grameen Spice, to be provided
6. Boundary treatment details to be provided.
7. Detailed elevations of the bin-store to be provided, giving due regard to fire safety.
8. Remove PD rights for side windows of new build.
9. Unit 15 side windows obscure glazed.
10. Noise impact assessment to be undertaken

11. Lighting strategy to be provided.
12. Path to the north to be provided.
13. Parking spaces to be provided.
14. Full technical details of surface water drainage system to be provided
15. Surface water flood routing plan to be provided and implemented.
16. Details of cycle storage system to be provided, and bikes provided. To include relocation of cycle spaces to serve the 10-unit building.
17. Details of bin store to be provided and approved.
18. Details of temporary surface water drainage to be provided
19. Provision of EVCP
20. Bat survey to be undertaken prior to works within or upon the roof taking place.
21. Further contaminated land investigation and, if required, remediation / validation to be undertaken.
22. Coal Mining investigation and mitigation to be undertaken
23. Ecological Design Strategy to be undertaken
24. Clearance to be done outside of bird breeding season, unless site surveyed.

Background Papers

Application and history files

Available at:

[Planning application details | Kirklees Council](#)

Certificate of Ownership

Certificate B signed.