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**Service Director – Legal, Governance and
Commissioning**

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Wednesday 7 June 2023

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Meeting Room 3 - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 15 June 2023**.

(A coach will depart from the Town Hall, at 11:15 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in meeting room 3, Town Hall, Huddersfield.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Planning Sub-Committee (Huddersfield Area) members are:-

Member

Councillor Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor James Homewood
Councillor Jo Lawson
Councillor Manisha Roma Kaushik
Councillor Imran Safdar
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Paola Antonia Davies
Councillor Andrew Marchington
Councillor Susan Lee-Richards

When a Member of the Planning Sub-Committee (Huddersfield Area) cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

B Armer
D Hall
A Gregg
R Smith
J Taylor
M Thompson

Green

K Allison
A Cooper

Independent

Labour

B Addy
A Anwar
S Hall
Moore E Firth
T Hawkins

Liberal Democrat

J Lawson
A Munro
A Pinnock
A Smith

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Sub-Committee

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

2: Minutes of previous meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on the 13 April 2023.

3: Declaration of Interests and Lobbying

7 - 8

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Deputations/Petitions

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

6: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted at least three clear working days in advance of the meeting.

7: Site Visit - Application No: 2023/90120

Erection of extension and alterations to detached garden room/gym to create dwelling forming annex accommodation associated with 5, School Hill, South Crosland, Huddersfield, HD4 7BY (within a Conservation Area) 5, School Hill, South Crosland, Huddersfield.

(Estimated time of arrival at site 11:35 am).

Contact officer: Lucy Taylor, Planning Services.

Ward(s) affected: Crosland Moor and Netherton.

Planning Applications

9 - 10

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 12 June 2023.

To register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne or Andrea Woodside on 01484 221000 (Extension 74995 or 74993).

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

8: Planning Application - Application No: 2022/90672 11 - 34

Erection of 19 single storey dwellings, associated access, and hard and soft landscaping, including demolition of no.1 Row Street. Land rear of, Row Street, Crosland Moor, Huddersfield.

Contact officer: Ellie Worth, Planning Services.

Ward(s) affected: Crosland Moor & Netherton.

9: Planning Application - Application No: 2023/90120 35 - 52

Erection of extension and alterations to detached garden room/gym to create dwelling forming annex accommodation associated with 5, School Hill, South Crosland, Huddersfield, HD4 7BY (within a Conservation Area) 5, School Hill, South Crosland, Huddersfield.

Contact officer: Lucy Taylor, Planning Services.

Ward(s) affected: Crosland Moor and Netherton.

10: Planning Application - Application No: 2023/91198 53 - 64

Change of use from place of worship (Class F1) to community centre with ancillary cafe (Class F2) St Johns Church, Jackroyd Lane, Newsome, Huddersfield.

Contact officer: Teresa Harlow, Planning Services.

Ward(s) affected: Newsome.

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 13th April 2023

Present: Councillor Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor Tyler Hawkins
Councillor James Homewood
Councillor Jo Lawson
Councillor Donald Firth
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Charles Greaves

Apologies: Councillor Mohan Sokhal

1 Membership of the Sub-Committee

Apologies were received from Councillor Mohan Sokhal.

Cllr Homewood was elected as Chair for item 9 (Planning Application 2022/93158) following Cllr Ullah's declaration of interest in the item and his decision not to participate in the Committee discussion or vote.

2 Minutes of previous meeting

The minutes of the meeting held on the 2 February 2023 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors McGuin, McGrath, Lee-Richards and Ullah declared that they had been lobbied on application 2022/93158.

Councillor Andrew Marchington declared an "other interest" in application 2022/90469 on the grounds that he knew the applicant. It was noted that Councillor Marchington did not participate in the Committee discussion and did not vote.

Councillor Sheikh Ullah declared an "other interest" in application 2022/93158 on the grounds that he knew the applicant and had previously commented on the variation of a premises licence at a licensing panel meeting. It was noted that Councillor Ullah left the room during the Committee discussion and did not vote.

4 Admission of the Public

All items were taken in public session.

Planning Sub-Committee (Huddersfield Area) - 13 April 2023

5 Deputations/Petitions

No deputations or petitions were received.

6 Site Visit - Application No: 2022/90469

Site visit undertaken.

7 Site Visit - Application No: 2022/93158

Site visit undertaken.

8 Planning Application - Application No: 2022/90469

The Sub Committee gave consideration to Planning Application 2022/90469 Outline application for residential development for 7 dwellings, and associated infrastructure following the partial demolition of existing public house, including consideration of layout and access (within a Conservation Area) Rose and Crown Inn, 132, Knowl Road, Golcar, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Emma Hanks and Carl Pogson (in support).

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Andrew Marchington.

RESOLVED –

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 the considered report and the planning update as set out below:

1. Approval of Reserved Matters details of Appearance, Landscaping and Scale to be sought before development commences. This includes the retention of part of the existing public house.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within three years.
4. Development to be carried out in accordance with approved plans and specifications.
5. Submission of a Nocturnal Bat Activity Survey as part of the Reserved Matters application for appearance/no development to be commenced (including demolition) until the European Protected Species Mitigation Licence (EPSML) has been sought/approved.
6. Submission of a Phase 1 Preliminary Risk Assessment.
7. Submission of a Phase 2 Intrusive Site Investigation Report.
8. Submission of a Remediation Strategy.
9. Implementation of a Remediation Strategy.
10. Submission of a Validation Report.
11. Bin store materials and presentation points
12. Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.
13. Construction Environmental Management Plan to include:

Planning Sub-Committee (Huddersfield Area) - 13 April 2023

- point(s) of access for construction traffic.
 - construction vehicle sizes and routes.
 - times of construction vehicle movements.
 - parking for construction workers.
 - signage.
 - wheel washing facilities within the site.
 - street sweeping.
 - dust suppression measures.
 - measures to control noise and vibration from construction-related activities.
 - any artificial lighting to be used during construction.
 - hours of works
14. Full detailed drainage design detailing foul, surface water and land drainage
15. Full details of the proposed means of managing surface water during the construction period (temporary arrangements).
16. Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.
17. A scheme detailing the location and cross sectional information together with the proposed design and construction details for any new retaining walls and building retaining walls adjacent to the proposed/ existing highway.
18. Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
19. A scheme detailing the proposed internal road layout (to an adoptable standard)
20. Noise assessment report and mitigation scheme to be submitted with the reserved matters of appearance and scale so that this can consider the amenities of future occupiers and the continued operational flexibility of adjacent commercial uses.
21. Measures to promote carbon reduction and enhance resilience to climate change, including electric vehicle charging points
22. A scheme detailing the provision of a 2.0m wide footway along the front of the site, the re-siting of the existing bus shelter with associated signing and white lining prior to development commencing.
23. Submission of security measures for crime prevention.
24. Submission of a biodiversity enhancement plan
25. No demolition to take place until details of the section of the public house to be retained, which shall include that part designated as plots 1 and 2 on the approved site layout plan have been submitted and approved. Details to include method of support of that part of the building to be retained throughout the construction phase. No demolition to then take place until details of a legally binding contract to redevelop the site has been submitted to the local planning authority.
26. Details of the future management and maintenance of the green amenity spaces, as they are beyond the curtilage of dwellings

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: P Davies, D Firth, Greaves, Hawkins, Homewood, Jo Lawson, Lee-Richards, McGrath, McGuin and Ullah (10 votes)

Against: (0 votes)

9 Planning Application - Application No: 2022/93158

The Sub Committee gave consideration to Planning Application 2022/93158 Variation condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit Former Homecare DIY, Westbourne Road, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Malcolm Sizer and Raj Handa (in support).

RESOLVED –

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to permanently approve the variation of condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit and complete the list of conditions including those contained within the considered report as set out below:
 1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
 2. Car park to be retained surfaced and marked out.
 3. Car park management plan submitted with discharge of condition ref 202014/90523 to be adhered to.
 4. The use hereby permitted shall not be open to customers outside the hours of:
 - Friday 09:00 to 00:30 hours Saturday,
 - Saturday 09:00 to 00:30 hours Sunday,
 - Sunday to Thursday 09:00 to 23:15 hours on each day
 5. There shall be no deliveries to or dispatches from the premises outside the times of 08:00 to 18:00 Monday to Friday and 09:00 to 17:00 Saturdays. No deliveries or dispatches shall take place on Sundays or Bank Holidays.
 6. Noise from amplified music must be inaudible at noise-sensitive premises.
 7. Noise from fixed plant must be inaudible at noise-sensitive premises.
 8. No extract ventilation systems to be installed unless details have been submitted to and approved by the Local Planning Authority.
 9. No outdoor lighting shall be installed unless details have been submitted to and approved by the Local Planning Authority.
 10. No mezzanine floor shall be inserted in the building outlined in red on the hereby approved location plan.
 11. The bin storage for the hereby approved development shall only be located along the southern elevation of the application building as indicated on the floor plan submitted on 13 September 2013. The bins shall remain positioned in this location free of obstructions and available for storage throughout the lifetime of the development.
 12. Approved cycle storage spaces to be retained in accordance with details approved under discharge of condition no. 2014/90523.
 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-

Planning Sub-Committee (Huddersfield Area) - 13 April 2023

enacting that Order with or without modification) no development within Schedule 2 Parts 3 or 4 is permitted.

14. Use to be carried out in strict accordance with the Noise Management Plan by Malcolm Sizer submitted February 2023.

2. An additional condition to upgrade the external fire door to improve noise insulation.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

A vote to approve the variation of condition to extend opening hours for a 6-month trial period:

For: Councillors: P Davies, Greaves and Hawkins (3 votes)

Against: Councillors D Firth, Homewood, Jo Lawson, Marchington, McGrath and McGuin (6 votes)

Abstained: Councillor Lee-Richards

A Vote to approve the variation of condition to extend opening hours on a permanent basis.

For: Councillors: D Firth, Hawkins, Homewood, Jo Lawson, Marchington, McGrath and McGuin (7 votes)

Against: Councillors P Davies, Greaves and Lee-Richards (3 votes)

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KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

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

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 15-Jun-2023

Subject: Planning Application 2022/90672 Erection of 19 single storey dwellings, associated access, and hard and soft landscaping, including demolition of no.1 Row Street. Land rear of, Row Street, Crosland Moor, Huddersfield, HD4 5BB

APPLICANT

Paul Hargreaves,
Parkview Property
(Lancashire) Ltd

DATE VALID

10-Mar-2022

TARGET DATE

09-Jun-2022

EXTENSION EXPIRY DATE

30-Jun-2023

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: Crosland Moor & Netherton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFUSE permission for the following reasons:

1. The proposed development layout does not achieve a net density of 35 dwellings per hectare that would be sufficient to use land efficiently for a residential purpose. As such the proposal is contrary to Policy LP7 of the Kirklees Local Plan and Paragraph 124 of the National Planning Policy Framework as it does not seek to maximise housing delivery and is not overridden by mitigating reasons with regard to development viability, compatibility with its surroundings or meeting local housing needs. The lack of a sufficient density would also further undermine the Local Planning Authority's housing delivery target, which is subject to a Housing Delivery Test Action Plan.
2. The applicant has failed to justify the provision of no affordable housing units on a site which, in total, would require 4. No weight has been afforded to the submitted Viability Assessment as the Independent Review shows that the provision of 2 affordable units could be viable. As such, the proposal would be contrary to Policy LP11 of the Kirklees Local Plan and Paragraph 58 of the National Planning Policy Framework.
3. The proposed development, by reason of its contrived, minimalistic and regimented layout, scale and appearance, would fail to sympathetically relate to existing development within the locality and would fail to provide a housing mix in respect of the character of the area. The development would therefore be contrary to Policies LP11 and LP24 of the Kirklees Local Plan, Principles 2 and 14 of the Kirklees Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
4. The proposed development, by reason of the severely limited amount of useable internal floor space for each dwelling, would provide a poor standard of amenity to future occupiers contrary to paragraph 130(f) of the National Planning Policy Framework, Principle 16 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Policy LP24(b) of the Kirklees Local Plan.
5. The applicant has failed to demonstrate, through the submission of sufficient drawings and information, that the proposals would: ensure an adequate provision of on-site parking and visitor parking spaces and would take into account access and egress for emergency services and refuse collection. These deficiencies in the application are all to the detriment of highway and pedestrian safety, contrary to Policies LP22 and LP24 of the Kirklees Local Plan, Key Drivers of the Highways Design Guide SPD, Principles 12 and 19 of the Housebuilders SPD and the aims of the National Planning Policy Framework.

6. The application, by lack of information fails to demonstrate any mitigation measures to overcome the ecological harm the development would cause and to provide a 10% net biodiversity gain. Therefore, to grant permission would be contrary to Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. The application fails to provide green infrastructure and an attractive frontage, as it does not make effective use of tree-lined streets in the site. This would fail to maximise visual amenities, ecological benefits and adaptation to climate change. Therefore, to grant this permission would be contrary to Policy LP24(i) of the Kirklees Local Plan, Principle 7 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF, particularly Paragraph 131.

8. The application, by reason of insufficient information, fails to demonstrate whether adequate space or provisions for surface water, rainwater and foul waste drainage can be provided within the site. As such, there are severe concerns as to whether the site could successfully and safely accommodate suitable drainage systems for the level of waste water and foul waste infrastructure required to meet the demand by the new development. As such, the scheme does not comply with LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. The application submission fails to demonstrate how meaningful or useable amenity green space or public open space of any typology can be provided on the site. Therefore, it is concluded that the proposal, due to the lack of on-site public open space provision and the inability to secure any off-site contributions, is contrary to Policy LP63 of the Kirklees Local Plan and Open Space Supplementary Planning Document.

1.0 INTRODUCTION:

1.1 The application has been brought before the Huddersfield Area Planning Sub-Committee due to it being a residential development under 61 units on a site over 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.

1.2 The previous planning permission, 2015/92227, was determined at Huddersfield Sub-Committee on 31 March 2016.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises of an area of land located to the rear of Row Street at Crossland Moor. The site is approximately 0.7 ha and was previously occupied by Paddock Field Mill but has since then been cleared. The site benefits from an extant consent for the erection of 19 dwellings, including development of associated access and hard and soft landscaping and the demolition of No.1 Row St (Approved: 2017-02-08 – which is extant by virtue of commencement of development on site (confirmed by a Lawful Development Certificate).

2.2 The site is bounded by closely spaced, terraces of properties to the north and a railway line/footbridge to the east. The west of the site is immediately adjoined by an area of unallocated land (former garage site) which itself is then bounded by a tree belt separating it from the adjacent recreational open space further west.

2.3 The site is currently accessed from between No.1 Row Street and No.17 Row Street, to the north-eastern corner of the application site. A hard surfaced track then separates the application site from the gardens to the rear of the terraced properties (known as Row Street) and exits back onto Mill Street adjacent to No.43 Row Street.

2.4 The surrounding area is predominately residential, and the site is unallocated as part of the Kirklees Local Plan (2019).

3.0 PROPOSAL:

3.1 The application seeks full planning permission for residential development for the erection of 19 single storey dwellings, associated access, and hard and soft landscaping, including demolition of No.1 Row Street.

3.2 Plot 1 would be sited to the east of the proposed internal access road, with plots 11-19 sited in a row to the north of the access road, plots 2-6 located to the south of the road, and plots 7-10 located in the south-western corner of the site perpendicular to Row Street. The layout of the properties has been designed so that each of the dwellings would have its own element of amenity space to the rear, with parking spaces provided to the front.

3.3 The proposed dwellings are single storey, two bed units, of a simple rectangular design with a gable roof design. The overall height of the dwellings would be 5.7 metres and the design features would include entrance canopies to the respective side elevations. It is proposed that the dwellings would be faced with buff stretcher bond brickwork, cast stone decorative heads and sills, Portland stone colour and slate effect roof tiles, Marley or similar.

3.4 Access to the site would require the demolition of No.1 Row Street in order to create a width of 5.5m which would then be extended into the application site.

3.5 The application is effectively a resubmission of application 2015/92227 - Erection of 19 single storey dwellings including development of associated access and hard and soft landscaping and the demolition of No.1 Row St (Approved: 2017-02-08 - which is extant by virtue of commencement of development on site (confirmed by a Lawful Development Certificate). The submitted documents states that the scheme differs in the following respects:

- Rotating to roofs of the dwellings by 90 degrees so that the gable end (currently facing the road) faces the side elevations, and the pitched tiled roof faces the road and rear.
- Submitting a proposed change in material of the artificial stone which was proposed to face the dwellings under the extant permission, to buff stretcher bond brickwork.

3.6 In addition, the application proposes to remove the previous requirement (secured by a Section 106 Agreement) for the provision of two affordable dwellings. A viability assessment/report has been submitted as part of this application to this effect, which will be reviewed in more detail below. The previously required financial contribution for off-site Public Open Space provision (£5,638.00) from the extant planning permission has already been paid to the Council. However, this application would form a new permission in its own right.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

2023/91259 Variation condition 2 (plans) and 3 (facing and roofing materials) on previous permission 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping – Pending consideration.

2021/93457 Certificate of lawfulness to confirm valid commencement of development approved under 2015/92227 for erection of 19 single storey dwellings including development of associated access and hard and soft landscaping within the 3 year time limit given in condition 1 – Granted.

2015/92227 Erection of 19 single storey dwellings including development of associated access and hard and soft landscaping – Granted.

2009/92785 Demolition of no.1 Row Street and erection of 33 dwellings with associated parking and landscaping – Granted.

2005/94809 Demolition of 1 Row Street and erection of 31no terrace houses – Granted.

4.2 Surrounding the application site:

2019/91394 Erection of garage (storage) and loading bay (modified proposal) – Granted.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Officers have negotiated with the applicant to assess the viability of the scheme in relation to the previous of two affordable dwellings.

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):

- 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
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk

- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

6.2 Supplementary Planning Guidance / Documents:

- Biodiversity Net Gain Technical Advice Note (June 2021)
- Planning Applications Climate Change Guidance (June 2021)
- Housebuilders Design Guide SPD (June 2021)
- Open Space SPD (June 2021)
- Viability Guidance Note (June 2020)
- Interim Affordable Housing Policy (January 2020)
- Kirklees Highway Design Guide (November 2019)

National Planning Guidance:

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in 2012 and updated most latterly in July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for Local Planning Authorities and is a material consideration in determining planning 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

Climate Change

6.4 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.

6.5 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:

7.1 The application has been advertised via site notice, neighbour notification letters and the press. Final publicity expired on the 5th May 2023. As a result of the above publicity, 1 public representation was received. The comments raised are as follows:

- Who will the dwellings be for?
- Concern regarding the level of publicity for the application.
- Already existing problems in the area in relation to anti-social behaviour.

7.2 Local ward councillors

Councillors Kaushik, Lawson and former Cllr Sarwar have been notified as part of this application process, however, no comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

- Yorkshire Water – Advice received and conditions proposed.

8.2 **Non-statutory:**

- KC Crime Prevention – No objections subject to conditions.
- KC Ecology – No ecological information has been submitted with this application. As such, a Preliminary Ecological Appraisal Report (PEAR) of the site is required, along with a Biodiversity Net Gain Assessment.
- KC Environmental Health – No objections subject to conditions.
- KC Highways Development Management – No objections subject to conditions.
- KC Highways Structures – No objections subject to conditions.
- KC Landscape – No comments received.
- KC Lead Local Flood Authority – Objects to the proposal, as the submitted information does not give details of the proposed surface water drainage or provide any hydraulic calculations to show that the surface water discharge off site will be attenuated to the equivalent greenfield run-off rate for critical rainfall events up to 1 in 100 year return period (plus a climate change allowance)
- KC Parks & Recreation – No comments received.

- KC Public Health – No further information required.
- KC Public Rights of Way – No comments received.
- KC Strategic Housing – Based on a total of 19 dwellings, 4 affordable dwellings would be required.
- KC Trees – There has been little arboricultural detail supplied with this application and therefore, Officers would like to see how the trees closest to the perimeter will be protected during the construction phase and require further detail within a landscape plan to show exactly what size/species of new trees will be integrated into the site.
- KC Waste Strategy – Further information required.
- British Transport Police – Supports the application subject to conditions.
- Network Rail – No objections subject to conditions.
- West Yorkshire Combined Authority – Sustainable travel financial obligation requested.

9.0 MAIN ISSUES

- Principle of development (including house mix, density, affordable housing and viability)
- Visual amenity
- Residential amenity
- Highway issues
- Drainage issues
- Ecological impacts
- Other matters
- Planning obligations
- Representations

10.0 APPRAISAL

Principle of development

Sustainable development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored. The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan 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...”

- 10.3 The site is within the Huddersfield South Sub Area.
- 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.

Housing density

- 10.6 Policy LP7 states that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. It also identifies that proposals should encourage the use of previously developed land in sustainable locations and give priority to despoiled, degraded, derelict and contaminated land that is not of high environmental value.
- 10.7 Paragraph 119 of the NPPF states that proposals should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 10.8 In this case, the proposal is for 19 dwellings on a site area of approximately 0.7 ha. Therefore, the proposed housing density is approximately 27 dwellings per hectare. This is considered to be considerably lower than the required density. Although Policy LP7 does allow some flexibility for lower densities where satisfactorily justified – i.e., where it can be demonstrated that it is necessary to ensure the development is compatible with its surroundings, due to viability or to secure particularly house types to meet local need – this is not considered to be applicable in this instance.
- 10.9 As the surrounding housing stock is largely made up of dense terraced housing, there are considered to be no mitigating landscape character reasons to justify a lower density. Although undemonstrated, a higher yield of proposed dwellings would likely increase the development’s viability.

Housing Mix and Type

- 10.10 Policy LP11 of the Kirklees Local Plan 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”*.
- 10.11 KC Strategic Housing have reviewed the proposal. They note that, based on the Council’s Strategic Housing Market Assessment (SHMA), this area of Huddersfield is in greatest need of affordable 3 and 3+ bed dwellings, with a lesser need for 1 and 2-beds. As the proposal is for 19 2-bed dwellings, Officers consider that the proposal does not necessarily provide an appropriate housing mix for the local area. However, it is noted that KC Strategic Housing have not raised an objection in this regard.
- 10.12 It is also noted that the 19 proposed dwellings would all be single storey bungalows. This is considered to suit older people and those with mobility requirements. The applicant has confirmed that the proposed dwellings would meet the optional accessible and adaptable, and wheelchair use dwellings standards under regulations M4(2) and M4(3) of Approved Document M of The Building Regulations 2010 (as amended). Whilst this is not an explicit policy requirement, compliance with these regulations is seen as a material benefit of the scheme in its own right, particularly given the likely target buyers for these dwellings based on their size and scale.
- 10.13 Overall, Officers consider that the proposal is in accordance with Policy LP11 of the adopted Kirklees Local Plan in its broadest sense, as it would still provide needed (albeit to a lesser extent) 2-bed dwellings in this area of Huddersfield. Officers also note that as this application was received prior to the adoption of the new Affordable Housing and Housing Mix SPD in March 2023, these standards cannot be applied in this instance.

Affordable housing and viability

- 10.14 Policy LP11 requires that proposals for over 10 new residential dwellings contribute to the provision of affordable homes by securing 20% of the total number of new dwellings as affordable homes. The policy further states that achievement of a higher proportion of affordable housing on sites is encouraged.
- 10.15 KC Strategic Housing have confirmed that based on the provision of 19 new dwellings, 4 affordable houses would be required as part of this application.
- 10.16 The applicant submitted this application in part to vary the previously secured Section 106 obligation for 2 affordable dwellings under extant planning permission 2015/92227. Consideration of the viability assessment in this regard shall be undertaken in the following section. Notwithstanding the viability assessment for the provision of the 2 affordable dwellings, a further 2 affordable units would still be required and would need to be secured via a new S106 agreement for this application. This uplift in the quantum of affordable housing required is due to the changing planning policy context from that of the extant planning permission; namely the adoption of the Kirklees Local Plan in 2019.

- 10.17 As the proposal is proposing 0 affordable dwellings, regardless of the outcome of the viability assessment, the proposal is considered to be contrary to Policy LP11 of the adopted Kirklees Local Plan as non-compliance with the policy requirements has not been justified.

Independent Viability Assessment

- 10.18 Paragraph 58 of the NPPF, states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.
- 10.19 The National Planning Practice Guidance (NPPG) for Viability Paragraph 018 (Reference ID: 10-018-20190509, dated 09/05/2019) states that 15-20% of gross development value (GDV) may be considered a suitable return to developers. The Kirklees Viability Guidance Note reflects this standard at Paragraph 3.23.
- 10.20 The applicant submitted evidence in the form of a Viability Assessment to remove the provision of 2 affordable dwellings from the previous Section 106 Agreement secured under extant planning permission 2015/92227. The Public Open Space contribution of £5,638 had already been paid to the Council and was not for consideration as part of the assessment. Notwithstanding this, as this is a new full application rather than a Section 73 Variation of Conditions application, a new off-site Public Open Space contribution would also be required; which has not been factored into the viability assessment.
- 10.21 Following receipt of the Viability Assessment, an independent Chartered Surveyor and Registered Valuer (MRICS) viability assessor was procured to determine whether the proposal would be viable with the inclusion of the 2 affordable dwellings.
- 10.22 Following an iterative assessment process, additional information was requested by the independent assessor from the applicant and a number of revisions were made to stated costs based on industry best practice and up-to-date available costs and sales prices. Based on the information available at the time, the independent viability assessor concluded that the proposal would be viable – able to achieve a profit of 19.8% on sales – with the inclusion of the 2 affordable dwellings.
- 10.23 Given this conclusion of a viable scheme, Officers consider that there is no justification for the provision of 0 affordable dwellings as part of this proposal and therefore afford no weight to the submitted Viability Assessment. As previously noted, the proposal is already considered to be contrary to Policy LP11 of the adopted Kirklees Local Plan due to the number of affordable dwellings required, but this is considered to be strengthened further by the viability evidence and the requirements of Paragraph 58 of the NPPF.

- 10.24 Therefore, whilst the principle of developing the site for residential is considered acceptable and has been established under the previous application 2015/92227, the density of the development proposed and the provision of 0 affordable houses cannot be supported by Officers for the aforementioned reasons.

Visual amenity

- 10.25 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. Policy LP24 of the KLP 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...”*.
- 10.26 Further to the above, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:
- “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 10.27 Firstly looking at the layout of the proposed dwellings, Principle 5 of the Housebuilders Design Guide SPD states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. Principle 6 of the Design Guide SPD further highlights that ‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’.
- 10.28 In this case, the development has been designed with a central road running through the site, which turns into a shared driveway to the south. Three different house types are proposed. These are all variations of the same underlying footprint and design, changing only to allow different window and door placements depending on the location of the dwelling within the site. All of the proposed dwellings are single storey bungalows with pitched roofs. French doors in the rear lounge areas provide direct access to the rear garden areas. The dwellings main entrances are located on the side elevation, not at the front of the dwellings. Each dwelling is also a detached, meaning that there is no visual change in house types across the entirety of the site.

- 10.29 Two bedrooms would overlook the street at the front of each dwelling (except Plots 1 and 2). This would have the effect of effectively sterilising the dwellings' frontages as very little natural surveillance over the street scene would occur during daylight hours. The regimented appearance of all 19 dwellings having the same street forward aspect with repetitive windows would also negate any meaningful legibility of the site and present bland and undesirable facades facing the site's public areas.
- 10.30 It is also considered highly likely that the residential amenities of future occupiers would be detrimentally affected by this internal layout arrangement as noise and light pollution from cars driving through the site and/or parking up outside of houses at night would be disruptive, particularly as the car parking spaces are tight up against the street-facing bedroom windows.
- 10.31 For the above reasons, Officers consider that the site layout and the form and massing of the proposed dwellings is incompatible with the principles of good urban design, particularly the Kirklees Housebuilders Design Guide SPD.
- 10.32 With regards to materials, the proposed dwellings would be constructed of buff stretcher bond brickwork with cast stone decorative heads and cills, slate effect roof tiles, and white uPVC windows, doors, and rainwater goods. The exact details of the proposed materials are unknown at this stage, however the submitted Planning Statement notes that the chosen materials would be a simple palette to create a positive contrast to the existing (and more historic) neighbouring buildings.
- 10.33 In this instance, Officers do not consider that the choice of materials to be in keeping with the surrounding built form, as stone appears to be the prevailing material. The original planning application also secured the use of this material to ensure that the development would better integrate the proposal into the wider area and local design vernacular. Therefore, in the case of an approval, alternative materials could be sought via a condition.

Landscaping and Public Open Space

- 10.34 Policy LP63 seeks to secure well-designed new and improved open space from proposals for new residential development. The Open Space SPD states that 'for developments of 10 or less dwellings there is no requirement to provide new open space'. Although it does encourage on-site provision of new open space on smaller sites to 'ensure a well-designed scheme for the benefit of new residents'.
- 10.35 The Council's Open Space SPD sets out the evidenced approach to open space provision for new residential developments. This includes an assessment of open space typology (Amenity Green Space, Children & Young People, Parks & Recreation, Natural & Semi-Natural Green Space, Allotments, and Outdoor Sport Facilities) requirements for each area of the borough, as well as the requirements for play equipment provision and enhancements to off-site areas of public open space if the required standards cannot reasonably be accommodated on-site.

- 10.36 The proposal does not provide any meaningful or useable amenity green space or public open space of any typology on the site, nor does it provide a Local Area for Play (LAP) as required for a residential development of this size. As a result of this, off-site contributions have been calculated for each typology of public open space (except allotments as the proposal falls under the trigger for this typology) based on the provision of 19 dwellings in Crosland Moor & Netherton. A total of approximately £42,564.21 towards off-site Public Open Space mitigation would be required and need to be secured via a Section 106 Agreement, in the case of an approval.
- 10.37 Having taken into account the above, Officers conclude that the proposal would fail to promote good design, due to the lack of variation between the dwellings and the poor choice of materials proposed, especially within an area dominated by natural stone and given that the original permission was approved with such materials. More specifically, Paragraph 135 of the NPPF states that *“local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme”*. In this case, Officers consider the change of materials to further dilute the scheme when compared to the original permission. Lastly, the introduction of heavily paved frontages would create a sea of hardstanding, with very limited green space to offer a buffer. For this reason, the proposal would fail to accord with the aforementioned policies and guidance.

Residential Amenity

- 10.38 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: “They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”.
- 10.39 In addition to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.40 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. Whilst scale is a reserved matter, it is likely that two storey dwellings would be proposed as this would be in keeping with the surrounding built form. For two storey houses, his SPD recommends minimum separation distances of:
- 21 metres between facing windows of habitable rooms at the back of dwellings
 - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room.
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.

- 10.41 The nearest residential properties to the site are those to the north (including north west and north east along Row Street) at no.s 3 – 35 Row Street and no. 17 Cross Street. Officers note the change in levels from the south of the site to the north, and the existing dwellings on Row St. However, given the separation distances proposed (in excess of 21m as set out within Principle 6 of the SPD) and the single storey nature of the dwellings (and landscaping mitigation likely able to be achieved), it is considered that the proposal would not lead to detrimental impacts on neighbouring amenity in terms of overbearing, overshadowing, overlooking or loss of outlook.
- 10.42 To the west of the site, is a commercial property known as Fazel House and to the south and south west is a recreation ground and railway line.

Amenity of the future occupiers

- 10.43 In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*
- 10.44 It has been noted, that the separation distances between the new dwellings would be compliant with the guidance set out within the SPD. 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. The NDSS for new residential dwellings state that single storey 2-bed dwellings should be at least 61 sqm in size. The proposed dwellings measure c. 44.5 sqm. Officers note that the proposed dwellings are considerably undersized which would likely have a significant effect on the residential amenity of the future occupiers, failing to comply with LP24 (b) of the Kirklees Local Plan and Chapter 12 of the NPPF, particularly Paragraph 130 (f).

Noise

- 10.45 Policy LP52 requires that proposals which have the potential to increase noise, vibration, light, dust, odour, shadow flicker, chemical or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

- 10.46 No information relating to noise impacts from and on the proposal have been submitted in support of this application. KC Environmental Health note the presence of the existing railway line to the east of the site and recommend a condition for a Noise Impact Assessment to ensure that noise from the railway does not detrimentally impact on the residential amenities of future occupiers. Officers note this recommendation and would secure the relevant pre-commencement conditions to protect residential amenities.
- 10.47 In summary it has been concluded that due to the size of the units proposed, they would not promote or provide a high standard of amenity for the future occupants and would be contrary to both local and national planning policy.

Highway issues

- 10.48 Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The guidance in Chapter 9 of the NPPF is echoed in Policy LP21 of the Kirklees Local Plan.
- 10.49 Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.
- 10.50 Aside from the submitted proposed site layout plan, no further highways information has been submitted. It is noted that No.1 Row St has been demolished under the extant planning permission to facilitate an acceptable site access.
- 10.51 KC Highways Development Management have raised no objections to the proposal, subject to the imposition of the same conditions as the extant planning permission due to it being effectively the same in highways terms. KC HDM also note the advanced Section 38 Agreement process for the adoption of the site's internal estate roads under the extant planning permission.
- 10.52 However, Policy LP22 requires that proposals provide full details of the design and levels of proposed parking provision following the principles set out in the policy wording. In doing so, they should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.
- 10.53 Key Design Driver 20 of the Highway Design Guide SPD states that the Council does not set local parking standards for residential developments. However, as an initial point of reference for residential developments (unless otherwise evidenced), it is considered that new 2-bed dwellings should provide a minimum of two off-street car parking spaces. Furthermore, in most circumstances, 1 visitor space per 4 dwellings is considered appropriate and 1 cycle space per unit is recommended.

- 10.54 Most of the proposed dwellings would have 2 car parking spaces, except Plot 10 which would only have 1, and Plot 2 which would not have any allocated spaces. No visitor parking has been provided within the site, of which 5 would be expected. The arrangements of the proposed car parking spaces would entirely visually dominate the site as every space is located on vast areas of hardstanding in front of the proposed dwellings. This would be contrary to Principle 12 of the SPD which states that car parking should *“not dominate street frontages through parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings”*. Moreso, the proposed spaces for Plots 3-6 would be grouped in 2 groups of 4 and project further into the site than the limited areas of proposed landscaping, adding to the visual dominance of car parking when entering the site.
- 10.55 Given the above assessment, the proposal is considered to be in conflict with Policies LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF, as well as Government’s current guidance on design quality.
- 10.56 KC Highways Structures have recommended conditions to ensure that any retaining structures in the vicinity of the highway, as well as surface water attenuation apparatus within the proposed highway footprint or its zone of influence, do not detrimentally impact on the safe use of the existing or proposed highways. Officers consider this approach to be appropriate and would secure the relevant conditions.

Refuse and Waste

- 10.57 Policy LP24(d)(vi) requires that proposals incorporate adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste.
- 10.58 Each proposed dwelling (except Plot 1) has space for 3 wheelie bins within their curtilage. The majority would accommodate these to the rear, except for Plots 1 and 2 which would be to the side. For these dwellings, a condition for an adequately built bin store would be required to lessen the visual amenity impact on bins visible from the street.
- 10.59 Most dwellings would also have a bin collection point adjacent to their car parking spaces. The exceptions being Plots 3-6 where a more contrived layout is proposed due to the proposed car parking layout. Of concern is the bin presentation point for Plot 3 where a set of ‘ambulant disabled steps’ are proposed between the dwelling and BCP, indicating that the site levels in this area would be too steep to drag a fully loaded wheelie bin; particularly for elderly people or those with mobility issues. Notwithstanding this, Officers consider that the bin presentation points could be moved for amenity purposes, which would need to be secured by conditions.
- 10.60 No information has been received to show that a Refuse Collection Vehicle could access, turn, and leave the site in forward gear. KC Waste Strategy note that although a turning head is shown on the proposed site plan, the blocked paved area to the south of the site would not be suitable for use by an RCV which could render the turning head useless to facilitate the turning of an RCV. If an RCV were required to reverse into or out of the site as a result of this, KC Waste Strategy would object to the proposal. As no further information has

been received from the applicant in this regard, Officers consider KC Waste Strategy's comments as an objection on these grounds.

- 10.61 As such, the proposal is considered to be contrary to Policy LP24(d)(vi) of the adopted Kirklees Local Plan as satisfactory and convenient waste collection facilities have not been adequately demonstrated.

Flood risk and drainage

- 10.62 Policy LP27 requires that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy. The national policy requirements are set out in NPPF (Section 14). This details the sequential approach to development and flood risk to steer new development to areas with the lowest risk of flooding from any source.
- 10.63 Paragraph 167 of the NPPF, requires that proposals should not increase flood risk elsewhere as a result of development.
- 10.64 The site lies in Flood Zone 1, meaning it is considered to be at the lowest risk of fluvial and river flooding. Given the site is under 1 ha in area, a Site Specific Flood Risk Assessment is not required in this instance.
- 10.65 Officers do note, however, that Government long-term flood risk mapping shows the site to be at medium to high risk from surface water flooding. KC Lead Local Flood Authority (LLFA) have reviewed the proposal and note that this would need to be considered and mitigated for within the proposed surface water drainage strategy to ensure that there would be no increased flooding risk to existing or proposed dwellings as a result of the development.
- 10.66 Given this, the proposal is considered to be in accordance with Policy LP27 of the adopted Kirklees Local Plan. However, it is considered to be contrary to NPPF (Chapter 14) Paragraph 167 as sufficient detail of flood risk has not been demonstrated within the submitted drainage strategy, as detailed further in the following section.

Surface and Foul Water Drainage

- 10.67 Policy LP28 contains a presumption for the use of sustainable drainage systems (SuDS). In addition to this presumption, the policy also states that 'development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be coordinated to meet the demand generated by the new development'.
- 10.68 Chapter 14 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 10.69 Following an initial objection from KC LLFA to the proposal resulting from no surface or foul water drainage information being submitted, the applicant has submitted some additional information pertaining to overland flood routing, a proposed sustainable surface water drainage strategy, and a proposed foul water drainage strategy. Notwithstanding these plans, KC LLFA maintain their objection as no hydraulic calculations have been submitted, as initially requested, to demonstrate that the proposed drainage strategy would be viable.

- 10.70 Yorkshire Water have also reviewed the proposal and note the presence of their sewer assets within the site and an existing sewage pumping station in close proximity to the proposal. They further note that the proposal does not follow the sustainable drainage (SuDS) hierarchy and that justification for discharge of surface water into a public sewer would be required. It is recommended that this can be secured by conditions.
- 10.71 Given the above assessment into matters of surface and foul water drainage, and KC LLFA's ongoing objection to the proposal, Officers consider the proposal to be contrary to Policy LP28 of the adopted Kirklees Local Plan and Chapter 14 of the NPPF.

Ecology and Biodiversity

- 10.72 Policy LP30 requires that proposals must protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.
- 10.73 No information relating to protected species has been submitted in support of this application. Officers note the applicant's intention to submit the relevant information once the independent viability assessment process had concluded should a finding of the proposal not being viable be reached. As previously detailed, the independent viability assessor did not reach this conclusion and, therefore, no ecological information has been received.
- 10.74 Given the lack of information submitted with regard to protected species, Officers consider that the proposal has been unable to demonstrate or justify non-compliance with adopted planning policies and national guidance. As such, the proposal is contrary to Policy LP30 of the adopted Kirklees Local Plan and particularly Paragraph 174 of the NPPF.

Biodiversity Net Gain

- 10.75 Alongside the above, Policy LP30 requires that proposals do not result in unmitigated or uncompensated significant loss of or harm to biodiversity and should provide biodiversity net gains through good design.
- 10.76 The Council's adopted Biodiversity Net Gain Technical Advice Note Paragraph 3.1.1 states that 'at this time, in the absence of legislation, a minimum of 10% net gain in biodiversity is required'.
- 10.77 Paragraph 174(d) of the NPPF (Chapter 15) further requires that proposals should minimise impacts on and provide net gains for biodiversity. In addition, Paragraph 180(a) also states that if a proposal would result in unmitigated or uncompensated significant harm to biodiversity, planning permission should be refused.
- 10.78 No information relating to Biodiversity Net Gain has been submitted in support of this application. Officers note the applicant's intention to submit the relevant information once the independent viability assessment process had concluded should a finding of the proposal not being viable be reached. As previously detailed, the independent viability assessor did not reach this conclusion and, therefore, no ecological information has been received.

10.79 Given the lack of information submitted in this regard and likely significant harm to biodiversity resulting from the proposal which has not been adequately mitigated or compensated for, Officers consider that the proposal has been unable to demonstrate or justify non-compliance with adopted planning policies and national guidance. As such, the proposal is contrary to Policy LP30 of the Kirklees Local Plan, Biodiversity Net Gain Technical Note, and Chapter 15 of the NPPF.

Other matters

Trees

- 10.80 Policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodland of significant amenity. Furthermore, proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.
- 10.81 Paragraph 131 of the NPPF requires that new roads which are created through planning application are tree-lined in the interests of visual amenity and to help mitigate and adapt to climate change.
- 10.82 No specific information relating to trees has been submitted in support of this application. KC Trees have reviewed the proposal and note that the site is already cleared under the extant planning permission. They have also requested additional information concerning the safeguarding of existing trees to the west of the site during construction and a landscaping plan detailing the sizes and species of proposed trees within the site. Officers consider that these details could be secured by conditions.
- 10.83 Notwithstanding KC Trees' comments, Officers consider that the proposal does not make effective use of tree-lined streets within the site. Whilst there would be a number of trees at the site entrance and on the southern side of the proposed estate road, the northern side of the road is bereft of tree planting, as is the southern western block-paved area.
- 10.84 Officers consider that whilst the proposal is considered to be in accordance with Policy LP33 with regard to safeguarding existing trees, it is contrary to Policy LP24(i) of the adopted Kirklees Local Plan and NPPF (Chapter 12), particularly Paragraph 131 in relation to the planting of new trees to maximise visual amenities and ecological benefits, and adapt to climate change.

Coal Mining and Contaminated Land

- 10.85 Policy LP53 requires that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology will require the submission of an appropriate contamination assessment and/or land instability risk assessment. Furthermore, any development which cannot incorporate suitable and sustainable mitigation measures (if required) which protect the well-being of residents or protect the environment will not be permitted.

- 10.86 Paragraph 183 of the NPPF requires that proposals ensure that the site is suitable for its intended purpose taking into account the ground conditions and any risks arising from land instability and contamination, and that any contaminated land is remediated with works overseen by a competent person.
- 10.87 The site lies in a Coal Advice (Development Low Risk) area and has been identified as being potentially contaminated due to its previous uses. KC Environmental Health have reviewed the proposal and recommend a suite of pre-commencement conditions for Phase I and Phase II geo-environmental investigations, remediation, and validation.
- 10.88 Officers agree with the approach recommended by KC Environmental Health and would secure the necessary conditions to ensure that the site poses no risk to human health and is safe for occupation. As such, the proposal would be considered to be in accordance with Policy LP53 of the adopted Kirklees Local Plan.

Construction Environmental Management Plan

- 10.89 As with any new development project, there would likely be some disturbance to residential amenity during the construction phase of the proposal. Officers note, however, that this in itself is not a material consideration in planning terms that would weigh against a grant of planning permission.
- 10.90 In noting this, KC Environmental Health have recommended conditions for a Construction Environmental Management Plan (CEMP) and to limit on-site working hours to minimise adverse impacts on occupiers of nearby properties during the construction process. Officers agree with this approach and the necessary conditions would be secured. This would accord with Policy LP52 of the Local Plan.

Electric Vehicle Charging Points

- 10.91 KC Environmental Health note that for proposals of this scale and residential nature, the provision of Electric Vehicle Charging Points (EVCPs) is expected in accordance with the West Yorkshire Low Emissions Strategy (WYLES) Group's *Air Quality & Emissions Technical Planning Guidance*. They recommend conditions to secure EVCPs for all proposed dwellings and pro rata visitor parking. Officers agree with this approach and would secure the relevant conditions. This would also accord with Policy LP24 of the Local Plan.

External lighting

- 10.92 No external lighting details have been submitted in support of this application. As such, Officers consider that suitably worded conditions can be secured to limit light spill from the site to protect the residential amenity of neighbouring occupiers, as well as bats on and around the site.
- 10.93 Given the above consideration of, and recommended conditions for, noise and external lighting matters, Officers consider that the proposal would be in accordance with Policies LP24, LP30 and LP52 of the adopted Kirklees Local Plan.

Railway Line

- 10.94 The site lies adjacent to an existing railway line at its eastern boundary. Network Rail have reviewed the proposal and raise no objections to the principle of a residential development on this site which has been sensitively designed to minimise impacts on and from the railway line. They recommend a number of conditions and informatives to strengthen the site boundary with amenity buffer planting and to ensure that there are no proposed drainage works within the vicinity of the railway embankment, amongst others to facilitate the continued safe use of the railway line. Officers note the recommend conditions and informatives and would secure them in the interests of protecting and enhancing visual and residential amenities and the continued safe use of the railway

Crime prevention

- 10.95 The Council's Designing Out Crime Officer has been formally consulted as part of this application. In case, the officer has requested that additional security measures be conditioned, to include additional boundary treatments, details of external lighting within the site and cycle security measures. Furthermore, given the site's location next to a railway bridge, additional information in relation to any landscaping, access by use of the pedestrian bridge and that the boundary fence meets the structure so that there are no voids or gaps.

Representations

- 10.96 As a result of the above publicity, 1 public representation was received. The comments raised along with officer correspondence are as follows:
- Who will the dwellings be for?
Comment: The houses appear to be market dwellings.
 - Concern regarding the level of publicity for the application.
Comment: The application has been advertised via neighbour notification letters, site notices and in the press. This is to accord with the Council's Development Management Charter.
 - Already existing problems in the area in relation to anti-social behaviour.
Comment: This concern has been noted, however, the re-development of this vacant piece of land, should help deter any anti-social behaviour from the site.

Planning obligations

- 10.97 The following planning obligations are considered to be necessary to make the development acceptable in planning terms as they are supported by up to date Local Plan Policies. Likewise, the obligations are determined to be directly related to the proposed development and are fairly and reasonably related in scale and kind to the development:

Affordable housing

- 10.98 KC Strategic Housing advise that 4 affordable units would be required with a composition of 2 social or affordable rented dwellings and 2 intermediate dwelling. This contribution would be in line with the 20% affordable housing requirement set out under Policy LP11 – Affordable Housing and Housing Mix of the Kirklees Local Plan.

Public Open Space

- 10.99 A financial contribution of £42,564.21 is required to off-site Public Open Space Typologies of the proposal, as defined in the Open Space SPD and required by Policy LP63 – New Open Space of the Kirklees Local Plan.

Biodiversity

- 10.100 It is likely that an off site contribution would be required in order to provide a 10% net gain for this development. However, in the absence of the required information this cannot be calculated.

Sustainable Travel

- 10.101 A sustainable travel contribution for the purpose of providing bus and rail metro cards for new occupants of the development would be required at a cost of £9,718.50. The obligation is in line with the requirements of Policy LP20 – Sustainable Travel of the Kirklees Local Plan.

Site Management

- 10.102 The development is required to ensure management on-going management provision for shared spaces and drainage infrastructure relating to the development, as required by the Open Space SPD and Policies LP63 – New Open Space and LP28 - Drainage of the Kirklees Local Plan.
- 10.103 In light of the above, the applicant has submitted a viability assessment to counter the planning policy obligation relating to affordable housing. This has been reviewed by an Independent Viability Assessor, whereby it was determined that the proposal would be viable with the inclusion of two affordable units. No additional details have been provided in regards to a S106 agreement for the remaining contributions.
- 10.104 Consequently a reason for refusal is substantiated on the premise that the applicant has not agreed to the terms set out in paragraph 10.97, which the Local Planning Authority determine to be necessary to make the development acceptable in planning terms, are directly related to the proposed development and are fairly and reasonably related in scale and kind to the development.

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 Officers acknowledge the extant planning permission (2015/92227) for ostensibly the same proposal as a material consideration carrying its own weight in determining this planning application as a matter of principle. However, it is also noted that this is a full application for a new residential development of 19 dwellings. Between 2015 and now, the adopted planning policy context has also changed considerably with the Council adopting a new Local Plan in 2019, Supplementary Planning Document in 2021 and the amendments made to NPPF in recent years (most recently in 2021).
- 11.3 Therefore, this application has been assessed against national planning policies and guidance and other material considerations. It is considered that the development proposals do not accord with the Development Plan as a whole, particularly in relation to the provision of affordable housing and a range of other matters detailed throughout this report. The adverse impacts of granting permission are considered to outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Background Papers:

Current application (2022/90672) and history files.

[Planning application details | Kirklees Council](#)

Extant planning permission (2015/92227) and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership:

Certificate A signed.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 15-Jun-2023

Subject: Planning Application 2023/90120 Erection of extension and alterations to detached garden room/gym to create dwelling forming annex accommodation associated with 5, School Hill, South Crosland, Huddersfield, HD4 7BY (within a Conservation Area) 5, School Hill, South Crosland, Huddersfield, HD4 7BY

APPLICANT

R Grieve

DATE VALID

24-Jan-2023

TARGET DATE

21-Mar-2023

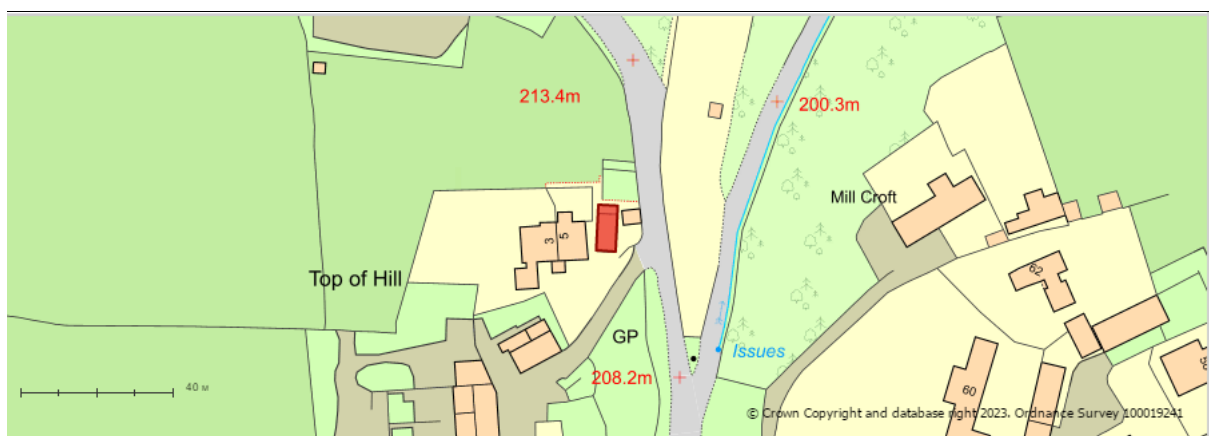
EXTENSION EXPIRY DATE

30-Jun-2023

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: Crosland Moor and Netherton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

REFUSE

1. The proposed development would constitute a disproportionate addition to the original dwelling which would no longer be the dominant element in terms of size or appearance. This is inappropriate development in the Green Belt by definition. Further harm to the spatial and visual openness of the Green Belt would arise through the extension of this prominent structure on rising land encroaching towards open countryside. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The development would be contrary to Policy LP57 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. The proposed development by reason of its scale, siting and design would be neither subservient to nor harmonise with the host dwelling and would appear visually jarring in the wider streetscene. This would cause detrimental harm to the visual amenities of the host dwelling and character and appearance of the area. This is contrary to policies LP24 (a and c) and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

3. The proposed extension, by reason of its siting, scale and external appearance, would fail to preserve the character or appearance of the South Crosland Conservation Area. The harm is considered to be less than substantial harm, however, as required by paragraph 199 of the National Planning Policy Framework (NPPF), great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

1.0 INTRODUCTION:

1.1 This application is brought to committee at the request of Ward Cllr Manisha Kaushik, who states:

- 1.2 *“Visually, the proposed annex extension is highly unlikely, if at all, to be visible to pedestrians using footpaths, owing to the ample tree cover as well as physical geography of the area. Furthermore, the extension would only be visible in a small section of School Hill and does not appear to look out of place, as set out in the design statement. And it would align with Netherton and South Crosland Neighbourhood Development Plan Forum, by ensuring it meets the needs of all sections of the community, as stated by the applicant.”*
- 1.3 The Chair of the Sub-Committee has confirmed that Cllr Kaushik’s reasons for the referral to the committee are valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 5 School Hill is a two-storey semi-detached property located in South Crosland, Huddersfield. The property is faced in stone with a tiled gable roof above. A detached single storey outbuilding is located to the eastern side of the property. The detached outbuilding is faced in coursed natural stone, with a gable roof infilled with natural stone slates.
- 2.2 Due to the topography of the area, the site slopes downwards from west to east and from south to north. To the rear (north), the site benefits from an extensive area of paddock, which forms part of the open countryside around the site, bounded by stone walling.
- 2.3 Access to the site and outbuilding is obtained from the hardstanding to the principal elevation of the dwelling to the south, via an unadopted road which leads off the adopted highway of School Hill.
- 2.4 The site is situated within a small cluster of residential dwellings, within the designated Green Belt. The site is also designated within the South Crosland Conservation Area.

3.0 PROPOSAL

- 3.1 The applicant is seeking permission for the erection of an extension and alterations to the detached garden room/gym to create a dwelling forming annex accommodation associated with 5, School Hill, South Crosland.
- 3.2 The proposed extension to the outbuilding would be sited to the northern elevation, projecting 2 metres beyond the existing structure. The width of the extension would be 4 metres and the height would be 4.4 metres, adjoining with the roof pitch of the existing gable.
- 3.3 The external walls of the extension would be constructed from timber boarding and the gable roof above would be infilled with stone slates.
- 3.4 With regard to fenestration, glazed bi-fold doors would be installed to the northern elevation and the western elevation of the extension would be entirely glazed. These forms of fenestration would be triple glazed and would be framed in timber.

- 3.5 Within the interior, the extension would form part of the living/dining space in conjunction with the conversion of the outbuilding into annex accommodation.
- 3.6 In addition, a new terrace would be formed to the north of the proposed extension, with a projection of 2 metres and a width of 4.45 metres. The terrace would be raised 1.5 metres above ground level. A balustrade, to a height of 1.2 metres would be installed to the northern and eastern elevations of the terrace.
- 3.7 No alterations are proposed regarding access, this will remain as existing. It should be noted that the submitted 'Existing Site Location Plan' shows the annexe to be located within a separate red line boundary to the host dwelling of 5 School Hill. This indicates an apparent separation of parking for the annex from that for the main dwelling.
- 3.8 Outdoor amenity space for the annex, in addition to the raised terrace, would be provided to the northern and eastern elevations.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

- 4.1 2022/92700 – Erection of timber stable block comprising of three stables, fodder store and tack room – approved.

The stable block approved under this application was sited within the paddock to the north of the dwelling.

- 4.2 2014/91690 – Erection of new roof and improvements to existing stable block – approved. (application building).
- 4.3 2014/90858 – Certificate of Lawfulness for proposed re-roofing of existing stable block – refused.
- 4.4 2013/91521 – Extension and alterations to convert existing stables to store/utility and shower room with games room over – refused.

This application was refused because the proposed extension was considered to represent a disproportionate addition over and above the size of the original building, therefore, would have resulted in harm when viewed together with the previous extensions to the host dwelling, posing a negative impact on the openness and character of the Green Belt.

- 4.5 2003/92423 – Erection of two-storey extension – approved. (5 School Hill)
- 4.6 90/02814 – Erection of two stable blocks to 2 no. existing dwellings – approved. (including 5 School Hill)
- 4.7 It should also be noted that formal pre-application advice (2022/20681) was sought in May 2022 for the erection of an extension to the outbuilding at 5 School Hill. The pre-application response outlined that the proposal would present fundamental concerns, regarding the Green Belt therefore, concluding it unlikely that the proposal could be supported.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The case officer notified the applicant that we were unable to support the scheme for reasons of its harm to the Green Belt and heritage significance of the South Crosland Conservation Area.
- 5.2 The applicant did not submit any amended plans in response to the case officers' feedback, therefore, the overall determination of this application is on the basis of the plans submitted 23rd January 2023.
- 5.3 It should be noted that, whilst no amended plans were submitted, the applicant did provide details of a non-viable alternative. Via email communication, the applicant explained that an alternative approach had been explored, with regard to extending the annex at the front rather than at the back. However, whilst the applicant believed this would overcome the visual impact with the current proposal, it would not be viable due to a dry-stone boundary wall which would restrict the extent of any possible addition and the extensive internal alterations which would be required. This would not overcome the impact of the Green Belt, as set out in the assessment below.

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).
- 6.2 The application site is designated within Green Belt and South Crosland Conservation Area in the Kirklees Local Plan. The site is also located within an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.
- 6.3 Netherton and South Crosland Neighbourhood Development Plan Forum.
- The creation of the forum is the first stage of the neighbourhood planning process. At present there is no draft neighbourhood plan or Order for the area.
- 6.4 Kirklees Local Plan (2019):

LP1 – Achieving Sustainable Development

LP2 – Place Shaping

LP21 – Highways and Access

LP22 – Parking

LP24 – Design

LP30 – Biodiversity and Geodiversity

LP32 – Landscape

LP35 – Heritage

LP52 – Protection and Improvement of Environmental Quality

LP53 – Land Contamination and Stability

LP57 – The Extension, Alteration or Replacement of Existing Buildings

6.5 Supplementary Planning Guidance/Document:

- Kirklees House Extension and Alterations SPD (2021)
- Kirklees Highways Design Guide (2019)

6.6 National Planning Guidance:

National planning policy and guidance is set out in National Planning Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021.

6.7 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 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed Places

Chapter 13 – Protecting Green Belt Land

Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

6.8 Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning & Compulsory Purchase Act 2004
- The Conservation of Habitats and Species Regulations 2017

6.9 Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised in accordance with the Kirklees Development Management Charter, via neighbour notification letters, a site notice and within the newspaper. Final publicity expired 10th March 2023.

7.2 No representations were received in response to the above forms of publicity.

7.3 Ward Councillor Manisha Kaushik has commented on the scheme and requested that the application be determined by the Huddersfield Planning Sub-Committee for the reasons outlined at Paragraph 1.2 of this report.

8.0 **CONSULTATION RESPONSES**

Below is a summary of the consultee responses. Where appropriate, these are expanded on in the main assessment.

8.1 Statutory:

KC Highways Development Management – have no objection to these proposals given that this application is ancillary annex accommodation, and the application form confirms that there are 3 off-street parking spaces available, subject to conditions.

KC Conservation and Design – Do not support the proposal, particularly due to the use of timber boarding and the large expanse of glazing proposed to the northern elevation, concluding that this design fails to preserve or enhance the character of the South Crosland Conservation Area.

9.0 MAIN ISSUES:

- Principle of development
- Green Belt
- Impact on visual amenity and historic environment
- Impact on residential amenity
- Impact on highway safety
- Biodiversity
- Other matters
- Representations

10.0 APPRAISAL:

Principle of Development:

- 10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of Policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections of this report.

Further Information Submitted – Planning Statement

- 10.2 As part of this application, a Planning Statement has been submitted, which outlines the planning history at the site, summarises the pre-application response from enquiry 2022/20681 and explores this planning application itself, including the benefits of the proposed granny annex in providing living accommodation for a family member of the occupants of 5 School Hill.

Green Belt:

- 10.3 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.

- 10.4 Paragraph 149(c) of the NPPF outlines that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building can be appropriate development in the Green Belt.
- 10.5 Further to this, Policy LP57 of the Kirklees Local Plan states that the extension or alteration of buildings in the Green Belt will normally be acceptable provided that:
- “a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;*
- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard surfacing, curtilages and enclosures and means of access; and d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”*
- 10.6 In essence, the proposal seeks to further extend the existing building which, due to its proximity to the principal dwelling, is classed as an extension to the dwelling for the purposes of Green Belt Policy as contained within the NPPF and Local Plan. This proposal will therefore be considered in conjunction with previous extensions to the original dwelling, which includes the erection of this outbuilding, which is not an original part of the dwelling.
- 10.7 With regard to the scale of the extension proposed, a review of historic maps has been undertaken to ascertain what can be considered to form the original building. The case officer has concluded that the dwellinghouse of 5 School Hill has constructed the following extensions and additions: front porch, single storey rear extension, two-storey side extension, and outbuilding/annex. This conclusion was drawn from a map dated 1955, which shows the dwellinghouse of 5 School Hill as close to 1st July 1948 as records allow.
- 10.8 Using this mapped data (1955), it is concluded that the original dwellinghouse of 5 School Hill would have had an approximate volume of 384m³. The aforementioned extensions and additions, not including that proposed by this application, have been calculated to have an approximate cumulative volume of 469m³, presenting a percentage volume increase over the original dwelling of approximately 122%.
- 10.9 Turning to the extension proposed to the existing annex/outbuilding before Members, this would have a volume of approximately 29m³, creating a further percentage increase of 7.55% to the original dwellinghouse, taking the total percentage increase after development to just over 129%. This would clearly constitute a disproportionate addition to the original dwelling further diluting its lack of dominance on the site. The development would thus be clearly contrary to Paragraph 149(c) of the NPPF and Paragraph LP57 of the Local Plan.

- 10.10 Given the above, Officers consider that the development constitutes inappropriate development in the Green Belt. The supporting statement submitted alongside the application acknowledges this. As outlined in Paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF also states that Local Planning Authorities should ensure that 'substantial weight' is given to any harm to the Green Belt.
- 10.11 An assessment is therefore required into whether the development causes any other harm to the Green Belt and whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt.

Whether there would be any other harm to the Green Belt, including visual amenity

- 10.12 In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. Bar the existing dwelling, its neighbour at no.7 and a development to the south-west of the site, the application site is on the edge of built development beyond the nucleus of the settlement of South Crosland. It is on a prominent hillside with land to the north, east and west of the site generally free from any built development. This contributes to the rural character of the wider surroundings and makes a positive contribution to the character and appearance of the area. The development would project north of the existing outbuilding into open land and both the extension and the raised terrace would require some element of underbuild to create a level surface. The built form and the design of the extension would urbanise open land. The further expansion of this prominent, permanent structure on rising land would pose harm to the openness of the Green Belt by further encroaching into open countryside. Therefore, it is considered that there is harm to the openness of the Green Belt as a result of this as well as the visual amenities of the Green Belt.
- 10.13 In terms of visual amenity, the outbuilding would appear to sit uncomfortably with the host dwelling and in its extended form, would further compete for dominance with this.
- 10.14 Overall, Officers hold the view that the harm to the openness of the Green Belt and the visual amenities of the Green Belt, adds to the substantial harm by reason of inappropriateness in relation to the proposed development.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

- 10.15 As set out in Paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to advise that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.16 The submitted planning statement contends as part of this application that very special circumstances do exist. The submitted Planning Statement sets the benefits of development out as being the provision of 'ideal' living accommodation for a family member of the occupiers of No. 5 School Hill. The Planning Statement outlines that the family member already lives in the annex 'next door' to their family and that it 'is in the interest of my clients that there is physical closeness and interaction between occupants of the main house and the annex'. The statement continues that:

It should also be noted that the National Space Standards sets a minimum floor area of 39 sq.m. for a one person one-bedroom single storey dwelling. The proposal will provide approx. 40 sq.m. with the extension. Without it the annex will not provide the minimum floor area.

10.17 It is not disputed by officers that the proposal would provide extended living accommodation within the annex. The floor plans demonstrate that the extension would simply increase the size of the living/dining area, with a sufficiently sized bedroom, bathroom, and kitchen to be located within the existing structure. There is also an existing patio area adjacent to the annex. Taking into account Policy LP24f of the Local Plan which states that good design should 'meet the needs of a range of different users' the annex, for which there is no permission to be used as a distinct separate dwelling, does provide all day-to-day needs for a dependent to have a level of independence whilst reliant on the principal dwelling. This would accord with the planning statement. As such, given that the outbuilding is already used to support the accommodation of one occupier as existing, limited weight is afforded to the fact that the existing outbuilding needs to be extended for reasons of providing ancillary living accommodation for a single family member or to comply with the NDSS when the application does not seek a full planning permission for the creation of a single dwellinghouse wholly separated from 5 School Hill.

10.18 It is therefore concluded that the proposal constitutes a disproportionate addition to the original dwelling and therefore, constitutes inappropriate development within the Green Belt. The development is also considered to cause harm to the spatial and visual openness of the Green Belt, as well as the character and appearance of the wider area. It is considered that 'very special circumstances' which would clearly outweigh such harm caused to the Green Belt by reason of inappropriateness and other harm have not been demonstrated. The development is therefore considered to conflict with Policy LP57 of Kirklees Local Plan and Chapter 13 of the NPPF.

Visual amenity (including impact upon historic environment)

Visual Amenity:

10.19 The NPPF at paragraph 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development..."

- 10.20 Paragraph 130 of the NPPF advises that planning decisions “*should ensure that developments are visually attractive as a result of good architecture, layout...[and] sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.*”
- 10.21 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all 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.
- 10.22 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...”*
 - *c. extensions are subservient to the original dwellinghouse, are in keeping with the existing buildings in terms of scale, materials and details...”*
- 10.23 Key Design Principles 1 and 2 of the SPD seek to ensure development is subservient to the host property and in keeping with the character of the locality.
- 10.24 Section 5.6 of the SPD refers specifically to outbuildings. Paragraph 5.29 states that “*...garden offices, detached garages and granny annexes, can have as much of an impact on the appearance of the building as any other extension. Whenever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building.*”
- 10.25 Paragraph 5.30 of the Council’s House Extensions and Alterations SPD goes further and states that “*Outbuildings should normally:*
- *be subservient in footprint and scale to the original building and its garden taking into account other extension and existing outbuildings;*
 - *be set back behind the building line of the original building so that they do not impact on the street scene; and*
 - *preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.”*
- 10.26 In terms of visual amenity, the outbuilding would be concluded to sit uncomfortably with the host dwellinghouse of 5 School Hill in its extended form. This is because it would visually compete for dominance with the original dwelling and extend the outbuilding further beyond the principal rear elevation of the host property. In addition, the extension and adjoining raised terrace would be visually prominent, given their siting on rising land and minimal distance to the shared boundary with the highway of School Hill, only approximately 6 metres. These factors work to conclude that the extension and adjoining raised terrace would not be acceptable visually, not subservient to the original property of 5 School Hill and appearing obtrusive within the wider streetscene.

- 10.27 Furthermore, the use of timber boarding and large areas of glazing to the external walls of the extension would be viewed unfavourably from a visual amenity perspective, failing to harmonise with the existing built form of the outbuilding or host property, which are both faced in stone with traditional window forms. In turn, the detrimental prominence of the outbuilding would be further exacerbated through the use of unsympathetic materials. It should also be noted that the surrounding properties are also faced in stone, meaning the development would be contrary to the established vernacular of the wider streetscene.
- 10.28 To conclude, the design, scale and materials of the proposed extension are considered harmful to visual amenity. It would not be a subservient addition and, by virtue of its siting and massing, would cause detrimental harm to the visual amenities of the original property and wider locality. The proposed development is therefore not considered to comply with Chapter 12 of the NPPF, LP24 and LP57(d) of the Kirklees Local Plan and Principles 1 and 2 of the House Extensions and Alterations SPD.

Historic Environment:

- 10.29 The site is within South Crosland Conservation Area. Although there is no Conservation Area Appraisal for South Crosland, in the now revoked Unitary Development Plan it was described as “Scattered stone farm and cottage groups dating from late eighteenth and nineteenth centuries in a rural setting where dry stone walls are important”.
- 10.30 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.
- 10.31 Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.
- 10.32 Chapter 16, Paragraph 197 of the NPPF sets out that, in determining applications, local planning authorities should take account of:
- “a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.”
- 10.33 Chapter 16, Paragraph 199 of the NPPF states that, *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

- 10.34 Policy LP35 of the Kirklees Local Plan will also be taken into account, stating that *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*.
- 10.35 Policy LP35 goes further to state *“Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to:*
- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;*
b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance”
- 10.36 The Heritage Statement submitted with this application addresses the location of the application site within the South Crosland Conservation Area, however, it fails to make an assessment of the proposed scheme in conjunction with the heritage significance of the site. In turn, whilst a Heritage Statement has been submitted, the Local Authority would not consider a heritage impact assessment to have been carried out by the applicant for this proposal.
- 10.37 The Council's Conservation and Design Team have been informally consulted as part of the assessment of this application and made the following points:
- Do not support the external appearance of the proposed extension to the outbuilding, specifically with regard to the use of timber boarding and the large expanse of glazing. This is because these materials would be out of keeping with the character of the area and the traditional appearance of the outbuilding as existing and host property of 5 School Hill, which are both faced in stone.
 - For these reasons, Conservation and Design consider the proposal to be contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, failing to preserve or enhance the character or appearance of the South Crosland Conservation Area.
 - In addition, Conservation and Design consider that the proposal fails to comply with the requirements of Chapter 16 of the NPPF, especially with regard to Paragraphs 197, 199, 200 and 202, as well as policies LP24(a) and LP35(3b) of the Kirklees Local Plan.
 - Whilst Conservation and Design acknowledged the potential fall-back argument that timber framing could be viewed as a typical material within agricultural landscapes, in this instance, it is considered that it would appear out of keeping, with a strongly established local vernacular of stone buildings, as well as the stone walling. In addition, the detrimental visual impact of the large expanses of glazing proposed would not be overcome by such an argument.

- 10.38 Paragraph 202 of the NPPF is clear, that “*Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.*”
- 10.39 Taking account of the submitted statement, the response from the Conservation and Design Team and the visual impact the proposed development would have, including the proposed materials of construction and the design/siting of the extension, it is considered that the proposal would lead to less than substantial harm to the significance of the South Crosland Conservation Area. This is particularly through the visual harm by the pattern of glazing and external facing materials but also by reason of the prominent extension of the building beyond the principal rear elevation of the host dwelling. The outbuilding would further compete for dominance with this building and would be perceived as an overly prominent and jarring presence within a prominent site. It is considered that there are no demonstratable public benefits in granting permission for the development such that it could be considered the proposal accords with the aforementioned policies.
- 10.40 For these reasons, the proposal is considered to have a detrimental impact to the heritage significance of the application site and surrounding area. Therefore, it is concluded that the proposal fails to comply with policies within Chapter 16 of the NPPF and policies LP24 or LP35 of the Kirklees Local Plan.

Residential Amenity

- 10.41 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.*”
- 10.42 Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.43 Key Design Principles 3, 4, 5 and 6 of the Council’s adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive/overbearing.
- 10.44 The proposal would not pose detriment to the extent of outdoor amenity space available to the host property of 5 School Hill and it is considered that an adequate degree of amenity space would still be available to the occupiers of the converted outbuilding, with a small terrace and annexe garden proposed as part of the development. In turn, the proposal is considered to accord with the requirements of Key Design Principle 7 of the House Extensions and Alterations SPD.
- 10.45 Although the proposal would see an increase in the footprint of the existing built form of the outbuilding, it is considered that this would not lead to any impacts of undue overbearing or overshadowing. This is because the extension to the outbuilding would retain a separation distance of 3 metres from the garden of 5 School Hill and would be set over 10 metres from the boundaries of any other properties within the immediate vicinity of the site.

- 10.46 Furthermore, the extension does not present the installation of any windows that would be considered to have a negative impact upon residential privacy. The outbuilding and its existing windows are within a few metres of the host dwelling. If this application has sought the creation of an independent dwelling, the future amenity of occupiers of the new dwelling would have been adversely impacted by the shadowing and overbearing impact of the host property, there would also be a lack of privacy between the properties. The supporting statement clearly indicates that this would not be an issue here. It states that ‘the concern about lack of privacy no longer applies – it is in the interest of my clients that there is physical closeness and interaction between occupants of the main house and the annex’.
- 10.47 With regard to noise, the conversion of the outbuilding to annexe accommodation could create additional noise and disturbance if the structure were to ever be used independently of no. 5. To protect the amenity of the neighbouring properties and nearby sensitive receptors, if the application had been considered acceptable, a condition would be imposed to ensure that the future use is tied to the existing domestic residence of 5 School Hill in the interests of residential amenity.
- 10.48 For these reasons, the proposed development is considered not to cause undue harm to the residential amenities of neighbouring properties. It is therefore considered that the proposed development complies with Chapter 12 of the NPPF, LP24 of the Kirklees Local Plan and Key Design Principles 3, 4, 5, 6 and 7 of the Council’s adopted House Extensions and Alterations SPD.

Highway Safety

- 10.49 Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.
- 10.50 This application seeks approval for the erection of an extension to a detached outbuilding to create a dwelling forming annexe accommodation associated with 5 School Hill, South Crosland. Given that this application is for ancillary annex accommodation, and the application form confirms that there are 3 off-street parking spaces available to serve the development, the proposal is considered to be acceptable from a highway’s perspective.
- 10.51 However, upon any grant of planning permission, KC Highways Development Management have recommended the inclusion of a condition, which would limit the occupation of the annex accommodation to occupants or relatives of the dwellinghouse known as 5 School Hill. This condition would be imposed in the interests of highway safety and to achieve a satisfactory layout.
- 10.52 In turn, with the inclusion of the aforementioned condition, the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD.

Biodiversity

- 10.53 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.54 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 10.55 Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.
- 10.56 The application site lies within the Bat Alert layer on the Council's GIS system. Given the age/design of the existing roof above the outbuilding and that no demolition is proposed as part of the proposal, it is considered unnecessary for a full assessment of the roof slope to be undertaken in this case, given the low likelihood for roosting bats to be present.
- 10.57 Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is in accord with the aims of Chapter 15 of the NPPF.

Other Matters

Climate Change:

- 10.58 Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.
- 10.59 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.60 Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Coal Legacy:

10.61 The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided within any decision notice issued. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework and Policy LP53 of the Local Plan.

Representations

10.62 No representations were received for this application.

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 This application has been assessed against relevant policies in the development plan and other material considerations. The development does not accord with the development plan and that the application of policies within the NPPF that protect Green Belt and Designated Heritage Assets provides clear reasons for the refusing of the development proposed.

Background Papers:

Application Details:

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90120)
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90120>

Certificate of Ownership: Certificate A signed 20th January 2023

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 15-Jun-2023

Subject: Planning Application 2023/91198 Change of use from place of worship (Class F1) to community centre with ancillary cafe (Class F2) St Johns Church, Jackroyd Lane, Newsome, Huddersfield, HD4 6QU

APPLICANT

Susan Lee-Richards, The
Newsome Centre

DATE VALID

02-May-2023

TARGET DATE

27-Jun-2023

EXTENSION EXPIRY DATE

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: Newsome

Ward Councillors consulted: No

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.

1.0 INTRODUCTION:

1.1 This application is reported to Sub-Committee for determination as it has been submitted by an elected member in their personal capacity.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises St. John's Church, Newsome and part of its surrounding churchyard to the North-East of the building fronting Jackroyd Lane. The church, which closed to services earlier in the year, is in the Victorian building and is in a prominent location at the junction of Jackroyd Lane with Newsome Road South. It can be accessed by pedestrians through the lychgate on Jackroyd Lane or by an entrance close to the church hall on Newsome Road South. There is no vehicular access or parking associated with the building.

2.2 Access to the building itself is via a short ramp leading to double doors on the NE elevation. There is another less accessible access on the SW elevation.

2.3 To the North-West of the site, across Newsome Road South, are a parade of single storey shops and a day nursery, to the North-East, across Jackroyd Lane, are residential properties. Adjoining to building to the South-East is a small enclave of residential properties off Vicarage Drive. To the South-West is the churchyard and beyond this a church hall which is used for a variety of uses including a pre-school group and scout hall.

2.4 Mature trees, protected by Tree Preservation Order, surround the building.

3.0 PROPOSAL:

3.1 Change of use from place of worship (Class F1) to community centre with ancillary cafe (Class F2). No external alterations are proposed to the building or its ground to facilitate the change of use.

- 3.2 Under the Town and Country Planning (Use Classes) Order 1987 as amended, the existing church is categorised as an F1 use which includes provision of education, libraries and public halls amongst other uses (Class F1). Class F2 uses relate to local community uses and, for this application, include 'halls or meeting places for the principal use of the local community'.
- 3.3 The ancillary café referred to in the description of development, relates to an area of approximately 49 sq metres in the lounge area of the building. The applicant has clarified that the use of the café is proposed to be predominantly for local residents and users of Newsome centre. The applicants further clarify that "in order to keep the building financially sustainable, we would not want to deter any occasional passing trade. When the church was open it held a regular coffee morning each Wednesday".

4.0 RELEVANT PLANNING HISTORY

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS

- 5.1 None

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Kirklees Local Plan (2019):

- 6.2 The site is designated Urban Greenspace and is partly within the boundary of Newsome Local Centre on the Local Plan.
- 6.3 Relevant Planning Policies:
- LP 1 – Presumption in Favour of Sustainable Development
 - LP 2 – Place Shaping
 - LP 3 – Spatial Development Strategy
 - LP 13 – Town Centre Uses
 - LP 20 – Sustainable Travel
 - LP 21 – Highways and Access
 - LP 22 – Parking
 - LP 24 – Design
 - LP 30 – Biodiversity & Geodiversity
 - LP 33 – Trees
 - LP 35 – Historic Environment
 - LP 43 – Waste Management Hierarchy
 - LP 48 – Community Facilities and Services
 - LP 52 – Protection and Improvement of Environmental Quality
 - LP 61 – Urban Greenspace

Supplementary Planning Guidance / Documents:

- 6.4 • Kirklees Highways Design Guide (2019)
- Kirklees Waste Management Design Guide for New Developments (2020)

National Planning Guidance:

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

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 8 – Promoting Health and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by neighbour notification letters in accordance with Table 1 of the Council's published Development Management Charter. The period of publicity expires on 7th June 2023.
- 7.2 1 letter of representation had been received at the time this report was compiled. Any further comments will be reported to Members in the update.

The comments raised are summarised below (full comments are available to view on the Council's Planning Webpage):

Support:

- This use will ensure the building is utilised by the community for a positive purpose.
- The change seems to ensure that the building will pretty much remain as is and will be sympathetic to its history.
- The project would conserve the building for future generations.
- Consider no detrimental impact on the community with limited additional traffic, most walking and no noise.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM – no objections subject to conditions requiring cycle storage and details of waste storage and collection

KC Environmental Health – no objections

8.2 **Non-statutory:**

KC Crime Prevention - no objections, full recommendations forwarded to the applicant for information.

9.0 **MAIN ISSUES**

- Principle of development
- Residential amenity
- Landscape issues
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of the development

- 10.1 Paragraph 7 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.
- 10.2 In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that: "...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."
- 10.3 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..."
- 10.4 The site is within the Kirklees Huddersfield sub-area. The listed qualities, where relevant, will be considered where relevant later in this assessment.
- 10.5 Policy LP3 of the Kirklees Local Plan outlines that proposals will be required to reflect the Spatial Development Strategy, Policy LP1 Presumption in Favour of Sustainable Development and Policy LP2 Place Shaping.
- 10.6 In this case, there are considered to be two strands to the principle of development, this being the retention of an existing community facility, partly located in Newsome Local Centre, in a different use class and compliance with Policy LP61 (Urban Greenspace) of the Local Plan.

Acceptability of a Community Use within a new Use Class.

- 10.7 Paragraph 93 of the NPPF states that planning decisions should: plan positively for the provision and use of shared spaces, community facilities “such as local shops, meeting places...cultural buildings...and places of worship” and other local services to enhance the sustainability of communities and residential environments. Policy LP48 of the Local Plan states that community facilities should be provided in accessible locations where they can minimise the need to travel/can be accessed by walking, cycling and public transport. It goes on to state that this will normally be in town or local centres. Furthermore, Policy LP48 sets out that proposals that retains or enhances provision, quality or accessibility of existing community facilities will be supported.
- 10.8 St. John’s Church, when open as a place of worship, provided a community use in an accessible location. The Church has now been closed and the application before members seeks to retain this as a ‘local community’ use, under Class F2 of the revised Use Classes Order. The site is partly within the Newsome Local Centre, including both pedestrian entrances to the building, and is within a highly accessible location on foot with bus stops providing links to public transport on both Jackroyd Lane and Newsome Road South. The new use would continue the tradition of St. John’s being a focal point for the community, providing a multi-purpose hall and meeting place with an ancillary café facility. It would enhance the provision of local community facilities in Newsome for the benefit of all. In principle, the re-use of the Church for the proposed use can be supported.
- 10.9 Although the site is partly within Newsome Local Centre, where Policy LP13 of the Local Plan and Chapter 6 of the NPPF fall to be considered, neither the existing use nor the proposed use are ‘main town centre uses’ as defined in the NPPF. The re-use of the building would not be contrary to Policy LP13 and, by providing a new use to serve the local community, would help to extend the mix of uses within this local centre.

Urban Greenspace

- 10.10 The existing building and the grounds surrounding it to the north and south of the building are all designated Urban Greenspace within the Local Plan. Policy LP61 is concerned with developments that would result in the loss of Urban Greenspace (UGS). The application before members seeks only the change of use of the building and there are no proposals that would result in the loss of UGS. The development therefore accords with Policy LP61 of the Local Plan.

Urban Design issues

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

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

10.12 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. Policy 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...”

10.13 Policy LP13 states that within defined Centres all proposals shall conserve and enhance the local character, heritage, green spaces and the public realm where appropriate.

10.14 The Church is an attractive building which contributes positively to the townscape of the area. The building, the lychgate and its tree lined grounds are prominent features in Newsome local centre. Although the building is neither listed nor within a conservation area, it is important that its special character is retained within future proposals. At this stage the only proposal is to change the use of the building, although some additional bin and cycle storage would be required. No other changes to the building or its grounds are proposed. Future signage would be considered under applications seeking advertisement consent. In these circumstances, the development would accord with the aforementioned Policies from the Local Plan and the NPPF.

Residential Amenity

10.15 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.

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

10.17 Paragraph 185 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise...light...and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

10.18 The application site is within an area of mixed uses but adjoins residential properties to the south-east along Vicarage Gardens. These dwellings are at a higher ground level than the church on rising land. They are separated from the building by close boarded fencing and mature trees. Blank gable walls and garages face building, with main habitable windows in the north and south elevations. The private drive serving Vicarage Gardens runs along the boundary with the church. To the north-east of the site there are residential properties on the opposite side of Jackroyd Lane.

- 10.19 These are separated from the building by approximately 40 metres.
- 10.20 The church building is of a solid construction built of stone with a slate roof. There are large windows within the north and south elevations, and a particularly large window in the south-east elevation facing Vicarage Gardens. The relationship of the building to surrounding properties, including separation distances and the type and height of windows, would mean no loss of privacy as a result of the proposed use.
- 10.21 The level of activity on the site generated by new local community uses and opening up of the building for expanded public use could potentially increase noise and activity at the site. The application form states that the opening hours for the main building are proposed to be 9:00-22:00 every day, and the ancillary community café from 10:00-16:00 each day. This would be a more intensive and regular use than when latterly used as a place of worship.
- 10.22 As the building is partly within a local centre at the junction of two roads, background noise levels during the day would mitigate the comings and goings at the building. This is assisted by the separation of the building to surrounding dwellings and the difference in levels between the site and Vicarage Gardens. At quieter times the intensification of use could be more noticeable and the ability of the insulation envelope of the building, in particular the windows, to contain noise is unknown. The proposed hours of use would not extend into a late-night use, the closing time is proposed at 10pm each evening. This closing time is considered to reasonably balance the operational flexibility of a community use with the retaining a good standard of residential amenity. On the basis of the proposed use and hours proposed, there are no objections and no other mitigation to support the use is recommended.
- 10.23 There are no proposals for new external lighting. To ensure new lighting does not result in light pollution that would be harmful to residential amenity and ecology reasons, it is recommended a condition is imposed requiring details of external lighting before it is installed.
- 10.24 Thus, in respect of residential amenity, Officers consider that the proposal would be in accordance with Policies LP24(b) and LP52 of the Kirklees Local Plan, policies within Chapters 12 and 15 of the NPPF. This is subject details of external lighting and the hours of use of the building being controlled to those set out in the application form, allowing longer hours for the community cafe (9:00-17:00) for operational flexibility.

Landscape issues

- 10.25 Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Policy LP33 goes onto note that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Policy LP33 also states that proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, and that where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

10.26 There are trees protected by Tree Preservation Order to all boundaries of the application site. This application, which seeks a change of use only, would cause no direct or indirect to trees and would accord with Policy LP33 of the Local Plan and Chapter 12 of the NPPF.

Highway issues

10.27 Policy LP20 of the Kirklees Local Plan states that: *“New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car.”*

10.28 Policy LP21 of the Kirklees Local Plan states that: *“New development will 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.”*

10.29 The proposal for car parking has been assessed against Policy LP22 of the Kirklees Local Plan which sets out that proposals should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.

10.30 Policy LP24 (f) states that proposals should promote good design by ensuring the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places. Policy LP13 also states that all proposals shall be inclusive for all users.

10.31 Access to the site is taken via the corner of Jackroyd Lane in the vicinity of the signalised junction with Newsome Road South, this is for pedestrians only and is an existing established arrangement. The paths to the building are generally level and there is a ramp into the building which assists in creating an accessible space.

10.32 There is no off-street parking proposed with the application. However, as the location of the site is in a village centre location with good public transport links/walking routes from surrounding properties Highways DM consider there is no need to provide any off-street parking to facilitate the change of use with the premises. This is supported by the fact that there is a level of on street parking available on the streets surrounding the Church. In addition, there are two bus stops directly outside the site for access to public transport.

10.33 Given the lack of off-street parking and to further promote sustainable travel it is recommended that cycle storage facilities be provided, this would be in accordance with Policy LP20 and LP24 of the Local Plan.

Representations

10.34 One representation in support of the application as set out in paragraph 7.2.

Other Matters

Graveyard

- 10.35 The graveyard to the South-West of the church is not within the application site and is not affected by this proposal.

Climate Change:

- 10.36 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.37 Of note, Policy LP51 of the Kirklees Local Plan outlines that development should not lead to an increase in air pollution which would have an unacceptable impact on the natural or built environment or to people. No car parking spaces are proposed to serve the new community use, which is in an accessible and sustainable location in the centre of Newsome with good access to public transport. The principle of local community use should encourage sustainable modes of transport, as set out earlier in this report. Given the above, it is considered that the proposed use would not have a materially negative impact on air pollution, and the impact upon climate change is considered acceptable.

Crime Prevention:

- 10.38 Section 17 of the Crime and Disorder Act 1998 places a duty on each Local Authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 92 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Policy 24(e) of the Kirklees Local Plan also notes that the risk of crime should be minimised by enhanced security, the promotion of well-defined routes, overlooked streets and places, high levels of activity and well-designed security features.
- 10.39 No objections to the proposal have been raised by KC Crime Prevention. A detailed series of recommendations have been forwarded to the applicant for their consideration and information.

Ecology

- 10.40 The site is within a built-up area Biodiversity Opportunity Zone and is covered by a bat alert zone.

- 10.41 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.42 Policy LP30 of the Local Plan outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. As this application is simply for a change of use, it is deemed unnecessary to request biodiversity net gains.
- 10.43 There are no proposals, at this stage, to alter the fabric of the building, which is already used for community purposes, or its grounds to serve the new use. There is a reasonable likelihood that the building could host bat roosts, given its design and proximity to trees, but there are no records of roosts on the site. The principal disturbance to bats would be through external lighting if this was designed insensitively. It would be necessary therefore to control any external lighting light scheme to avoid harm to biodiversity in accordance with Policy LP30 of the Local Plan.

Waste:

- 10.44 Policy LP43 of the Kirklees Local Plan relates to the management of waste. There is no information regarding refuse storage and collection from the premises, as such this will be required to be dealt with by appropriate condition. This should be stored in a discreet location to comply with LP24 of the Local Plan but be easily accessible in the interests of highway safety.

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

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

1. Development shall be begun within three years of the date of the permission.
2. Development to be in complete accordance with plans and specifications (unless specified otherwise).

3. Hours of use: no activities outside the hours of 9:00-22:00 every day, and the ancillary community café no outside 9:00-17:00 each day
4. No external lighting until details submitted to and approved in writing by the local planning authority.
5. Details of bin storage, bin presentation points and access for collection of wastes
6. Details of cycle storage facilities

Background Papers:

[Planning application details | Kirklees Council](#)

Application and history files. <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f91198>

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