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Wednesday 5 March 2025

Notice of Meeting

Dear Member

District-Wide Planning Committee

The **District-Wide Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00pm** on **Thursday 13 March 2025**.

(A coach will depart the Town Hall, at 10.15am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00pm in Huddersfield Town Hall.)

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 cursive script, appearing to read "S Lawton".

Samantha Lawton

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.

District-Wide Planning Committee

Member

Councillor Sheikh Ullah (Chair)
Councillor Ali Arshad
Councillor Donna Bellamy
Councillor Paola Antonia Davies
Councillor Eric Firth
Councillor Susan Lee-Richards
Councillor Tony McGrath
Councillor Paul Moore
Councillor Mohan Sokhal

When a Member of the District-Wide Planning Committee 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
J Taylor
C Holt
M Thompson

Green

K Allison
A Cooper

Labour

M Ahmed
J Homewood
B Addy
M Crook
J Rylah
A Sewell
H McCarthy

Liberal

Democrat
A Munro
A Pinnock
C Burke
J Lawson
D Longstaff
A Marchington
A Robinson
A Smith

Community Alliance

C Scott
A Zaman

**Kirklees
Community
Independents**
JD Lawson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of the Previous Meeting

1 - 2

To approve the Minutes of the Meeting of the Committee held on 23 January 2025.

3: Declaration of Interests and Lobbying

3 - 4

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 Disposable 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 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: 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 in writing at least three clear working days in advance of the meeting.

6: 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 in writing, 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.

7: Site Visit - Planning Application No: 2024/92936

Erection of detached dwelling (within a Conservation Area) at land adjacent to the Silent Woman Pub, Nabbs Lane, Slaithwaite, Huddersfield.

Contact: John Holmes, Planning Services

Ward affected: Colne Valley

(Estimated time of arrival at site – 10:35am)

8: Site Visit - Planning Application No: 2022/93731

Partial demolition and alterations to convert public house to 4 residential units at the Woolpack Inn, Whitley Road, Whitley, Dewsbury.

Contact: Nina Sayers, Planning Services

Ward affected: Dewsbury South

(Estimated time of arrival at site - 11:25am)

9: Planning Applications

5 - 6

The Planning 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 to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 10 March 2025.

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000 (ext 74993/73896).

10: Planning Application - Application No: 2022/93731

7 - 26

Partial demolition and alterations to convert public house to 4 residential units at the Woolpack Inn, Whitley Road, Whitley, Dewsbury.

Contact: Nina Sayers, Planning Services

Ward affected: Dewsbury South

11: Planning Application - Application No: 2024/92936

27 - 50

Erection of detached dwelling (within a Conservation Area) at land adjacent to the Silent Woman Pub, Nabbs Lane, Slaithwaite, Huddersfield.

Contact: John Holmes, Planning Services

Ward affected: Colne Valley

Planning Update

An update report providing further information on matters raised after the publication of the agenda will be added to the online agenda prior to the meeting.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

DISTRICT-WIDE PLANNING COMMITTEE

Thursday 23rd January 2025

Present: Councillor Sheikh Ullah (Chair)
Councillor Ali Arshad
Councillor Donna Bellamy
Councillor Paola Antonia Davies
Councillor Eric Firth
Councillor Susan Lee-Richards
Councillor Mohan Sokhal

Apologies: Councillor Tony McGrath

1 Membership of the Committee

Apologies for absence were received from Councillor McGrath.

2 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 31 October 2024 be approved as a correct record.

3 Declaration of Interests and Lobbying

No interests were declared.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations / Petitions

No deputations or petitions were received.

7 Site Visit - Application: 2024/92992

Site visit undertaken.

8 Planning Application - Application No: 2024/92992

The Committee gave consideration to Application 2024/92992 – Installation of click and collect facility at 28-30 Leeds Road, Birstall.

Under the provision of Council Procedure Rule 36(3) the Committee received a representation from Cllr Elizabeth Smaje (ward member).

RESOLVED – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the

District-Wide Planning Committee - 23 January 2025

list of conditions, including that the development be carried out in accordance with approved plans and specifications.

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows;

For: Arshad, Davies, Firth, Lee-Richards, Sokhal and Ullah (6 votes)

Against: Councillor Bellamy (1 vote)

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

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

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023 the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

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;
- race;
- 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 (as amended) 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 Committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 13-Mar-2025

Subject: Planning Application 2022/93731 Partial demolition and alterations to convert public house to 4 residential units Woolpack Inn, Whitley Road, Whitley, Dewsbury, WF12 0LZ

APPLICANT

R Parker

DATE VALID

29-Nov-2022

TARGET DATE

24-Jan-2023

EXTENSION EXPIRY DATE

20-Mar-2025

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: Dewsbury South Ward

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. Introduction:

- 1.1 This application is brought to committee due to the significant number of representations received contrary to officer recommendation. 75 representations have been received, 69 in objection, 1 in support and 5 general comments. This is in accordance with the council's Delegation Agreement.
- 1.2 The representations will be discussed further in sections 10.41-10.46 of this report.

2. Site and Surroundings:

- 2.1 The application site relates to a vacant public house known as the Woolpack Inn in Whitley. The property is a two storey, stone structure which fronts Whitley Road. The property steps down towards the east, following the topography of the site. To the rear there is single storey L-shaped section which has been a more recent addition to the property. There is also two-storey structure to the rear which serves as accommodation associated with the public house. Parking associated with the public house is located to the rear and is accessible off Scopsley Lane.
- 2.2 The property is set within a predominantly residential area with dwellings of a variety of scales and designs. There is a car park to the south and a green space allocated as a small open space to the east.
- 2.3 The site is located within the Green Belt as allocated on the Kirklees Local Plan.

3. Proposal:

- 3.1 The application is seeking planning permission for the partial demolition and alterations to convert public house to 4 residential units.
- 3.2 The proposed development would include the demolition of the single storey extension and two storey annex to the rear of the property. The interior of the remaining building would be divided to form 4 residential dwellings serving between two and three-bedroom properties.

- 3.3 The external works would be minimal and would be limited to enlarging an existing opening in the north-eastern elevation, reducing the size of an existing opening and introducing a new opening in the south-western elevation and introducing openings to the north-western elevation where the current extension is.
- 3.4 Parking and amenity space would be provided to the rear of the dwellings. There would be parking for 8 vehicles in the north-western corner of the site, accessible off Scopsley Lane.

4. Relevant Planning History

- 4.1 91/05640 Erection of conservatory. Conditional full permission
- 91/02684 Erection of detached unit. Conditional full permission.
- 98/93491 Outline application for erection of extension. Conditional outline permission.

5. History of Negotiations

- 5.1 Officers raised concerns regarding the internal scale of the proposed development and the interior was reconfigured which changed the proposal from 5 dwellings to 4. The description of proposal as amended to reflect this. Officers still had concerns one of the bedrooms was too small and there was not sufficient light to the lounge of dwelling 4. Amended plans were sought and received.
- 5.2 Officers also queried the red line boundary which did not adjoin the adopted highway. Amended plans were received which relocated the parking so access did not rely on the unadopted road.
- 5.3 Amended plans were readvertised via neighbour notification letter.
- 5.4 Officers requested the applicant conducted a marketing exercise of the property in order to comply with policy LP48. Evidence of marketing was provided by the applicant as discussed in section 10.11 of this report.

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):

- 6.2 **LP1** – Achieving sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP21 – Highways and access
LP22 – Parking
LP24 – Design

- LP30** – Biodiversity and Geodiversity
- LP48** – Community facilities and services
- LP51** – Protection and improvement of local air quality
- LP52** – Protection and improvement of environmental quality
- LP53** – Contaminated and unstable land
- LP60** – The re-use and conversion of buildings

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and alterations and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:
- Biodiversity Net Gain Technical Advice Note
 - Highways Design Guide SPD
 - Housebuilders Design Guide SPD

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- **Chapter 2** – Achieving sustainable development
 - **Chapter 9** – Promoting sustainable transport
 - **Chapter 11** – Making efficient use of land
 - **Chapter 12** – Achieving well-designed places
 - **Chapter 13** – Protecting green belt land

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour notification letters and on the council website. In total, over the course of the application 75 representations have been received, 69 in objection, 1 in support and 5 general comments.
- 7.2 The application was initially advertised and received 46 representations, 42 in objection, 4 general comments and none in support. They raised the following comments which have been grouped into themes:

Objections

Community/business use

- Keep public house as community asset
- No other community facilities in the village
- The pub has been deliberately run down
- The premises could thrive as a business in the right hands
- Food and drink quality in the pub prior to closure was poor
- Limited social media presence
- With refurbishment and new ownership/management would be a successful business
- Pubs are a valuable place for the community
- Not advertised on social media
- Other pubs in rural locations have been successful
- Serves a community of 486 people
- Other pubs in the immediate vicinity that are successful

Highways

- Insufficient parking
- Existing problems with access onto Scopsley Lane
- Highway safety concerns
- Lack of parking would result in obstructive parking elsewhere in the village
- Public have asked for traffic calming measures
- Bus services in area are bad
- Impact and hinder access of emergency vehicle and agricultural vehicles to Scopsley Lane

Residential amenity

- Impact on neighbouring properties parking
- Noise and disturbance would impact neighbouring properties

Other matters

- The building could be split part public house part residential
- Property has not been marketed
- Village has already lost Charlotte's Ice Cream Parlour
- Applicant owns a different pub
- Covenant on the property
- Owner has put money and effort into another pub

General Comment:

- Covenant on building preventing it being any use other than a public house
- Sad to see the loss of public house
- Could have been turned into a smaller pub with 2/3 small homes
- Boarded up looks like an eye sore
- Business has diminished over time
- Could make a good contribution to hospitality/tourism

7.3 Following receipt of amended plans, the application was re-advertised and final publicity expired on 16th August 2024. A further 27 representations were received, 25 in objections, 1 in support and 1 general comment. They raised the following comments which have been grouped into themes:

Objection:

Community/business use

- Should have reached out to community for ideas for the pub
- Community centre is not open daily and does not serve hot food
- Wasn't promoted on social media
- Food and drink were not nice, poor quality
- Different experience to the community centre
- not aware of 7 pubs in 1 mile radius
- Visitors will have to travel to other pubs by car which will encourage drunk driving
- Pub never advertised or let residential rooms
- Village is not responsible for rooms not being used
- Owners never advertised pub, they didn't do enough to encourage business
- If it was run efficiently there would be employment opportunities for locals
- When pub was bought it was supported by people traveling to the pub not just locals
- Village needs the pub
- Quiz was a success and the pub was busy

Highways

- Turning within car park is limited, limited visibility
- Limited bus services with restricted times
- No updated highways comments based on amendments
- Horse riders use Scopsley Lane
- Development would intensify vehicle use
- Sometimes cars parked outside Causeway
- Parking is an issue
- Insufficient parking proposed

Residential amenity

- New dwellings have openings straight onto the pavement

Other matters

- Do not need more housing in the area
- Query land ownership
- Application not re-advertised
- Covenant on building
- No public consultation was carried out
- Comments regarding the applicant and their professional status
- No attempt to market the woolpack
- Includes land not within the applicant's ownership

Support

- Supports new residential homes in the community
- Asks developer to include small public house

7.4 Following additional information regarding the marketing of the public house, officers received a further 2 objections. They raised the following comments:

- No real effort to market the pub - tick box exercise
- Advertising did not include car park
- 'Soft' advertising only, no board outside
- Advert is poor and photographs do not show building in a positive light

7.5 All representation will be addressed and responded to in sections 10.41-10.46 of this report.

8.0 CONSULTATION RESPONSES:

8.1 KC Highways Development Management – No objection.

8.2 KC Environmental Health – No objections subject to condition.

8.3 KC Policy – Requested additional information regarding policy LP48.

9.0 Main Issues

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations
- Conclusion

10.0 Appraisal

Principle of development

10.1 NPPF paragraph 12 and Policy LP1 of the Kirklees Local Plan outlines 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.

Housing Supply

- 10.3 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.
- 10.4 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).
- 10.5 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.6 The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment below.

Community Facility

- 10.7 LP48 of the Kirklees Local Plan states that proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:
- a) there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
 - b) its current use is no longer viable; or
 - c) there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
 - d) an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
 - e) any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.

- 10.8 Paragraph 17.17 in the Local Plan states that applicants will normally be required to provide evidence covering the results of reasonable attempts to actively market the land or premises for sale or lease, at existing use value to demonstrate that there is no longer a need for the facility. 17.18 goes on to state that information will be required for licensed premises including the last 3 years of trading accounts with a breakdown of the percentages of income from food and drink.
- 10.9 Initially KC Policy raised concerns regarding the lack of information to support the closure of a community facility and thus failure to comply with LP48. They specifically requested additional information to demonstrate that criteria a and b of policy LP48 were satisfied. It is also noted that significant representation was received which raised concerns regarding the closure of the public house including an application to turn the building into an Asset of Community Value, however this was not successful.
- 10.10 Since KC Policy's initial comments, the applicant has submitted a supporting document in response. It outlines that whilst The Woolpack is the only public house in Whitley Village, it is not the only community facility as Whitley Community Centre is located ~300m away and is fully licenced with cooking facilities. The applicant also outlines that there are 7 other public houses within a 1 mile radius, however officers dispute this as according to council records there is only one public house (Old Shoulder of Mutton, Bristfield) within a 1 mile radius. It is noted there are 9 other public houses that fall just outside this catchment, located within a 1.5 mile radius.
- 10.11 The applicant has also outlined the history of ownership of the property. The applicant purchased the public house in 2016, followed by extensive refurbishment. They detail the openings hours including the food and drinks options available. They have also outlined their exploration of other income venues including Sunday carvery, quiz nights, overnight accommodation and takeaway ice-cream. The applicant has also provided detailed trading data for the last 4 years which has been redacted as it is commercially sensitive data however this outlines an overall loss over the last 4 financial years.
- 10.12 In line with paragraph 17.17 of the Kirklees Local Plan, the applicant has 'softly' marketed the property for 10 weeks with Savills Estate Agents. The sale was included on a leisure property national database and was sent directly to email contacts of known businesses seeking to acquire further licensed premises. This was recommended by Savills as the best form of marketing to reach genuine buyers and the applicant was informed that other local public houses have been successfully sold using these channels. The property was also advertised on Savills website and received 80 page views, however there were no requests to view, and no bids or expressions of interest were received.
- 10.13 Officers therefore consider on balance that the applicant has submitted sufficient evidence to demonstrate that the current use as a public house is not viable thus complying with LP48 b). Officers are also aware of the Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development. The principle of the loss of a community facility is therefore considered acceptable, in this instance.

Green Belt

- 10.14 The application site is within the Green Belt as located on the Kirklees Local Plan. Paragraph 142 of the NPPF states: “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”
- 10.15 Sub-paragraph h) of 154 of the NPPF outlines that’s some forms of development are not inappropriate in the Green Belt “provided they preserve its openness and do not conflict with the purposes of including land within it”. This includes criterion iv – the re-use of buildings provided that the buildings are of permanent and substantial construction. This is supported by criterion (a) of Local Plan policy LP60 (the re-use and conversion of buildings), which states proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where the building to be re-used or converted is of a permanent and substantial construction. In this case, the Woolpack Inn is of permanent and substantial construction, therefore the principle of converting the building to allow for re-use is acceptable.
- 10.16 Criterion b of LP60 states that proposals concerning the conversion or re-use of buildings should not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings. It is important to note that in this case, the application site is not in the open countryside, it is within the Whitley Lower settlement – and the curtilage of the Woolpack Inn currently comprises the pub, a car park and a small section of amenity space. The plans illustrate that a section of the existing structure to the rear is to be demolished as part of this scheme, to allow for a greater provision of green space and car-parking. Timber panel fencing, of a ‘domestic’ nature, will also be introduced to the rear of the structure, to separate the plot boundaries of the residential units. Due to the position of the Woolpack being within a settlement and not open countryside, development of this type would not constitute urban encroachment, therefore does not conflict with the purpose of including land within the Green Belt. There will also be no material difference in the level of openness of the Green Belt through implementing the proposed scheme, as the proposed arrangement and operation of the site will not differ too greatly to how it appears and functions at present.
- 10.17 In terms of criterion (c) of LP60, whilst the scheme proposes minimal external works, officers would want to ensure that the proposed boundary treatment was in keeping with the wider setting. This would be secured by condition.
- 10.18 It is therefore considered that the principle of converting the Woolpack Inn into residential accommodation is acceptable and the scheme shall now be assessed against all other material planning considerations below.

Impact on visual amenity

- 10.19 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:
- “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 10.20 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.
- 10.21 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...”
- 10.22 Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.
- 10.23 The proposed development would include the demolition of the existing extension and the annex to the rear of the building. The extension is a more recent addition to the property which is finished in render with a conservatory which is dated. It is considered that the removal of this element would restore the original character of the building and would therefore not cause harm to visual amenity. The annex to the rear appears cramped within the plot and therefore the demolition of this, along with the rear extension would open the site and would be visual more appealing, particularly given the Green Belt setting.
- 10.24 The external works to the main structure of the building would be minimal and would be limited to enlarging an existing opening in the north-eastern elevation, reducing the size of an existing opening and introducing a new opening in the south-western elevation and introducing openings to the north-western elevation where the current extension is. It is noted that the proposed openings to the rear elevation would be larger and more contemporary than the existing openings however these would not be in a prominent location and would still be in keeping in terms of size and design. The rest of the proposed changes to openings would remain in keeping with the existing and as such are considered to not cause any significant harm to visual amenity. In the interest of visual amenity, it would be conditioned that the proposed works are finished in stone to match the existing building.

- 10.25 The proposed scheme would introduce domestic paraphernalia and boundary treatment to the rear of the property. No details have been provided but this can be secured by condition. It is noted that there is a variety of boundary treatment in the area although it is predominantly stone walling.
- 10.26 Having taken the above into account, the proposed development is considered to be keeping with the local character of the area and would therefore cause significant harm to visual amenity, failing to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, Principle 2 of the Housebuilders Design Guide SPD and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.27 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.”
- 10.28 Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.29 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that:
- “Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”
- 10.30 The application site is for the conversion of an existing public house to residential use and there would be minimal external alterations. The proposed demolition would remove some of the overbearing impact of the annex on the adjacent property. It is considered that no additional overbearing, overshadowing or overlooking harm to neighbouring properties would occur as a result of the proposed development, over and above the existing arrangements on site.
- 10.31 Principle 16 of the Housebuilders Design Guide SPD states that:
- “All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”
- Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that:
- “All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

- 10.32 Officers initially raised concerns regarding the size of the proposed dwellings and the scheme was reduced from five dwellings to four. The revised proposed dwellings all exceed the minimum recommendations as set out within the NDSS. Officers recommended that there was an internal reconfiguration, and an enlarged window installed at plot 4 to allow for adequate outlook and natural light for future occupiers. There would be amenity space provided for each dwelling which is considered to be of a sufficient size.
- 10.33 Taking the above into consideration. It is considered that the proposed dwelling, would not cause any significant harm to visual amenity of the neighbouring or future occupants. The proposal would therefore comply with LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and the aims of Chapter 12 of the NPPF.

Highway issues

- 10.34 Local Plan Policy LP21 states that '*All proposals shall:*
- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network...
 - e. Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;
- 10.35 This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPDs. KC Highways Development Management (KC HDM) have also been consulted as part of this application.
- 10.36 The scheme proposes one three-bedroom dwelling and three, two-bedroom dwellings. KC HDM require two parking spaces for dwellings with two/three bedrooms. Eight parking space are proposed in this instance, all located to the rear of the site and access off Scopsley Lane. The number of off-street parking spaces is considered sufficient. The proposed access would not be dissimilar from the existing arrangements and as such are not considered to cause any additional harm to highway safety.
- 10.37 Given that the proposed residential use can be expected to generate less traffic than a public house and that sufficient off-street parking is shown to be provided KC HDM have no objection to these proposals. They recommend conditions requiring the visibility splay to be kept free from planting or development, the parking areas to be surfaced and drained and provision of bin storage and collection. These conditions would be recommended should approval be granted. KC HDM were informally re-consulted following receipt of amended plans and they made no changes to their initial comments.
- 10.38 Representation raises concerns regarding the use of Scopsley Lane by horses. The safety of this access for all highway users has been carefully assessed against planning policy.
- 10.39 The scheme is therefore considered acceptable from a highway safety perspective and would not cause significant harm over and above the existing arrangements. The proposal therefore complies with LP21 and LP22 of the Kirklees Local Plan.

Other Matters

Land Contamination

- 10.40 KC Environmental Health (EH) have been consulted on the proposal. According to councils' records, the site is within 250m of an historic quarry and a depot servicing a former mine. The proposed development would utilise an existing building with the demolition of an existing detached structure. KC EH have no significant concerns however as the proposed development involves ground works it will be necessary to recommend a condition relating to unexpected ground contamination.

Ecology

- 10.41 The application site is within a bat alert layer and would include the demolition of a building. Officer therefore requested a preliminary bat roost assessment which was provided. The report concludes that the building is assessed as having low potential for roosting bats. No signs of roosting bats, or bats themselves, were found either externally, or internally. The report does however recommend a condition requiring a pre-demolition dusk emergence survey as a precautionary measure. The proposal is therefore considered to comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Representations

- 10.42 In total, over the course of the application 75 representations have been received, 69 in objection, 1 in support and 5 general comments.
- 10.43 The application was initially advertised and received 46 representations, 42 in objection, 4 general comments and none in support. They raised the following comments which officers have responded to below:

Objections

Community/business use

- Keep public house as community asset
- No other community facilities in the village
- The pub has been deliberately run down
- Could thrive as a business in the right hands
- Food and drink quality in the pub prior to closure was poor
- Limited social media presence
- With refurbishment and new ownership/management would be a successful business
- Could make a good contribution to hospitality/tourism
- Pubs are a valuable place for the community
- Not advertised on social media
- Other pubs in rural locations have been successful
- Serves a community of 486 people
- Other pubs in the immediate vicinity that are successful

Officer response: The loss of a community facility has been carefully considered and assessed against relevant planning policy, as clearly outlined in section 10.7-10.13 (principle of development) of this report.

Highways

- Insufficient parking
- Existing problems with access onto Scopsley Lane
- Highway safety concerns
- Lack of parking would result in obstructive parking elsewhere in the village
- Public have asked for traffic calming measures
- Bus services in area are bad
- Impact and hinder access of emergency vehicle and agricultural vehicles to Scopsley Lane

Officer response: The impact on highway safety has been carefully considered and assessed against relevant planning policy, as clearly outlined in section 10.35-10.40 (highways) of this report.

Residential amenity

- Impact on neighbouring properties parking
- Noise and disturbance would impact neighbouring properties

Officer response: The impact on residential amenity has been carefully considered and assessed against relevant planning policy, as clearly outlined in section 10.27-10.34 (residential amenity) of this report.

Other matters

- Could be split part public house part residential
Officer response: The application is for the conversion of the public house to residential dwellings and has been considered and assessed as such.
- Property has not been marketed
Officer response: Officers considered the representation regarding the lack of marketing of this property and requested the agent further marketed the site. The property has now been marketed and an assessment has been made on this basis, as clearly outlined in section 10.7-10.13 (principle of development) of this report.
- Village has already lost Charlotte's Ice Cream Parlour
Officer response: Officers are aware of the site context, and this has been taken into consideration when assessing the application.
- Applicant owns a different pub
- Owner has put money and effort into another pub
Officer response: The applicant's property portfolio is not a material planning consideration and therefore no further comment will be made.
- Covenant on the property
Officer response: Private ownership and legal covenants are not material planning considerations and therefore no further comment will be made.

General Comment:

- Covenant on building preventing it being any use other than a public house
Officer response: Private ownership and legal covenants are not material planning considerations and therefore no further comment will be made.
- Sad to see the loss of public house
Officer response: The loss of a community facility has been carefully considered and assessed against relevant planning policy, as clearly outlined in section 10.7-10.13 (principle of development) of this report.
- Could have been turned into a smaller pub with 2/3 small homes
Officer response: The application is for the conversion of the public house to residential dwellings and has been considered and assessed as such.
- Boarded up looks like an eye sore
officer response: The impact on residential and visual amenity has been carefully considered and assessed against relevant planning policy and outlined in the Residential Amenity and Visual Amenity sections of this report.

10.44 Following receipt of amended plans, the application was re-advertised and final publicity expired on 16th August 2024. A further 27 representations were received, 25 in objections, 1 in support and 1 general comment. They raised the following comments which officers have responded to below:

Objection:

Community/business use

- Should have reached out to community for ideas for the pub
- Community centre is not open daily and does not serve hot food
- Wasn't promoted on social media
- Food and drink were not nice, poor quality
- Difference experience to the community centre
- Not aware of 7 pubs in 1 mile radius
- Visitors will have to travel to other pubs by car which will encourage drunk driving
- Limited bus services with restricted times
- Pub never advertised or let residential rooms
- Village is not responsible for rooms not being used
- Owners never advertised pub, they didn't do enough to encourage business
- If it was run efficiently there would be employment opportunities for locals
- When pub was bought it was supported by people traveling to the pub not just locals
- Village needs the pub
- Quiz was a success and the pub was busy

Officer response: The loss of a community facility has been carefully considered and assessed against relevant planning policy, as clearly outlined in section 10.7-10.13 (principle of development) of this report.

Highways

- Turning within car park is limited, limited visibility
- No updated highways comments based on amendments
- Horse riders use Scopsley Lane
- Development would intensify vehicle use
- Sometimes cars parked outside Causeway
- Parking is an issue
- Insufficient parking proposed

Officer response: The impact on highway safety has been carefully considered and assessed against relevant planning policy, as clearly outlined in section 10.35-10.40 (highways) of this report.

Residential amenity

- New dwellings have openings straight onto the pavement

Officer response: The impact on residential amenity has been carefully considered and assessed against relevant planning policy, as clearly outlined in section 10.27-10.34 (residential amenity) of this report.

Other matters

- Do not need more housing in the area

Officer response: The council housing land supply position has been taken into consideration during the assessment of this application.

- Query land ownership
- Covenant on building

Officer response: The applicant has signed Certificate of Ownership A. Private ownership and legal covenants are not material planning considerations and therefore no further comment will be made. The granting of planning permission does not override any private rights of ownership.

- Application not re-advertised

Officer response: Following receipt of amended plans this application was re-advertised via neighbour notification letters and on the website.

- No public consultation was carried out

Officer response: Public consultation of this application was carried out in accordance with the Development Management Charter. It is the applicant's choice if they want to engage in public consultation outside of the planning application.

- Comments regarding the applicant and their professional status

Officer response: The applicant's personal circumstances are not a material planning consideration and therefore no further comment will be made.

- No attempt to market the woolpack
Officer response: Officers took on board representation regarding the lack of marketing of this property and requested the agent marketed the site. The property has now been marketed and an assessment has been made on this basis.

Support

- Supports new residential homes in the community
Officer response: The council housing land supply position has been taking into consideration during the assessment of this application
- Asks developer to include small public house
Officer response: The application is for the conversion of the public house to residential dwellings and has been considered and assessed as such.

10.45 Following additional information regarding the marketing of the public house, officers received a further 2 objections. They raised the following comments which officers have responded to below:

- No real effort to market the pub - tick box exercise
- Advertising did not include car park
- 'Soft' advertising only, no board outside
- Advert is poor and photographs do not show building in a positive light
Officer response: The marketing of the property has been carefully considered by officers and discussed in section 10.7-10.13 (principle of development) of this report.

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

- Standard condition regarding timescale for commencement of development
- Development to be completed in full accordance with plans
- Facing and Roofing Materials – stone walls in keeping with existing
- Reporting of any unexpected land contamination
- Boundary treatment
- Nothing to be planted / erected within 2m of access
- Parking surfacing and drainage
- Storage provision/collection
- Pre-demolition dusk emergence bat survey

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f93731>

Certificate of Ownership – Certificate A signed.

Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 13-Mar-2025

Subject: Planning Application 2024/92936 Erection of detached dwelling (within a Conservation Area) Land Adjacent to, Silent Woman Pub, Nabbs Lane, Slaithwaite, Huddersfield, HD7 5AU

APPLICANT

I Materson

DATE VALID

14-Oct-2024

TARGET DATE

09-Dec-2024

EXTENSION EXPIRY DATE

10-Jan-2025

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: Colne Valley

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE refusal of the application for the following reasons:

1. As a result of the design of the single storey section of the dwelling located to the front and raised terrace, the proposed dwelling would be out of character with the locality and would lead to a detrimental level of visual harm failing to harmonise with the character and setting of the site. The proposal would lead to less than substantial harm to the Conservation Area for which no public benefits to outweigh this harm are considered to exist. The development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan, principles 2 & 14 of the Housebuilder Design Guide SPD and policies within Chapters 12 and 15 of the National Planning Policy Framework.

2. By virtue of the prominence of the amenity space associated with the dwelling, the proposed development would not provide a suitable level of private outdoor space that is commensurate to a dwelling of this size and scale, contrary to Policy LP24 of the Kirklees Local Plan, principle 17 of the Housebuilders Design Guide and the policies contained within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought to committee at the request of Ward Councillor Beverly Addy for the following reasons:

- Assist in redevelopment of land
- Improve visual amenity
- The proposal is in keeping with many other village centre homes in terms of amenity space with outdoor spaces in the village centre and nearby outdoor space such as Rotcher Wood available to the future occupants of the property.

1.2 The Chair of the District-Wide Planning Committee has confirmed that Councillor Addy's reasons for the referral to the committee are acceptable having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application site relates to a plot of land on the corner of the junction between Nabbs Lane and Church Street in the Slaithwaite Conservation Area. The site is currently naturalised vegetation which is a mix of low-level plants and shrubs. Land levels to the east and north are higher than that of the site, with a retaining wall present to the eastern and northern boundaries.

2.2 To the east of the site is a highway and a building in community use further beyond. To the north is no.6 Bank Gate, which is in residential use. To the west of the site is a public house, specifically the blank eastern elevation of the public house faces the site. To the south of the site are two listed buildings, at a distance of 9m from the southern boundary of the site. It is noted the main frontage of the listed buildings is to their southern elevation.

2.3 Access is taken from the southern boundary of the site, parking restrictions (specifically double yellow or solid white lines) are to the site frontage and also the highway network immediately surrounding the site.

3.0 PROPOSAL:

3.1 The application is seeking planning permission for the erection of one dwelling.

3.2 The proposal would see a dwelling which is 220 square metres in size across three floors, at a height to the eaves of 8.2m and 10.9m to the ridge (when measured from Nabbs Lane, southern elevation).

3.3 A single storey, flat roof, element of the dwelling is proposed to the front; this would protrude beyond part of the ground, the first and second floor front (southern) elevation facing Nabbs Lane by 3.9m. Above this flat roof element a first-floor terrace is proposed, which would provide the outdoor amenity space which is of a usable size. The first-floor terrace would be accessed from within the dwelling by a first-floor doorway.

3.4 An access around the dwelling approximately 0.9m wide is proposed adjacent to the eastern and northern elevations.

3.5 The dwelling is designed such that a canopy would be over part of the access driveway to the dwelling (and would enable the access driveway to be of a length to allow a car to leave the highway). Within the canopy an area for bin storage is proposed. The submitted plans indicate cycle storage would be incorporated into the garage, for three cycles.

3.6 At the ground floor the accommodation comprises an entrance hall, utility space, bedroom 3 and a 'jack and jill' toilet which is accessed from both bed 3 and the hallway. At the first-floor level a large open plan kitchen, dining and lounge area is proposed. At the second-floor level two bedrooms are proposed with associated en-suite bathrooms and dressing room to serve one of the bedrooms.

Supporting Information

3.7 In addition to the submitted plans the following documents have been submitted to support the application:

- Planning Support and Heritage Statement
- Climate Change Statement

In summary the Planning Support and Heritage Statement sets out the following:

- Historical images show that the site was formerly occupied by a 3-storey industrial building. Map regression shows that the building was demolished sometime between 1960 and 1980 for unknown reasons
- The public house to the west has been present since 1790
- The dwelling to the north was extended in 1987
- The footprint of the proposed building mimics the shape of the site, allowing the proposed building to nestle into the corner plot without making an exaggerated impact on the line of the existing roads. The curve on the south-east corner of the proposed building ensures minimal impact of sight lines at the junction of Nabbs Lane and Bank Gate.
- To reduce the impact of the development on the view of Grade II listed Saints James Church from Nabbs Lane and the view of Grade II listed Slaithwaite Viaduct from Church Street, the height to the roof pitch from ground level is 10.5 metres, with the pitch of the proposed development sitting 1.5 metres lower than that of Bankgate Cottage, situated immediately to the north of the application site.
- The proposed form and materiality of the building is in keeping with the industrial roots of the town and the general West Yorkshire vernacular, with natural local stone, pitched roofs and a generally orthogonal form. The curve on the south – east corner nods to the original form of the adjacent Silent Woman Public House.
- The proposed ground floor level will project approximately 3.5 metres forward of the upper levels and have a tapered façade mimicking the drystone wall on the opposite side of Bank Gate. Once again, this aims to avoid a dominance on the junction of Nabbs Lane and Bank Gate.
- Private external space is provided in the form of a terrace sat atop the projected portion of the ground floor mentioned above. The terrace will have access from the lounge on the first-floor level, as well as from a path from the access point on Bank Gate.
- Parking for two vehicles is provided within the integral garage as well as provision for parking on the driveway.
- Pre Application discussion undertaken with the Council's Conservation Team
- Planning History of the site listed.

The Climate Statement sets out, in summary:

- Any new appliances such as fridges, washing machines etc. will be min. A rated energy efficient.
- All new lighting will be LED and energy efficient
- Any new materials to be sourced locally, and encourage purchasing reclaimed materials such as natural walling stone and natural stone slates.

- Use local labour and Contractors to limit travel time to site and reduce carbon emissions.
- Suggest installation of renewable energy technologies and highlight benefits to Applicant.
- No glazing to North Elevation.
- Proposed building benefits from expanses of glazing/rooflights to South Elevation to increase solar gain.
- Encourage use of water efficient appliances (eco shower heads, low/dual flush toilets)
- Installation of car charging point to encourage electric vehicle use.
- Bicycle storage area to encourage use of bicycles.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The most relevant planning history relates to the following planning applications:

- 2024/91243 - Erection of one dwelling (within a Conservation Area) – Refused 26th June 2024 for the following reasons:

1. As a result of the design of the single storey section of the dwelling located to the front, raised terrace and fenestration details at the first floor level, the proposed dwelling would be out of character with the locality and would lead to a detrimental level of visual harm failing to harmonise with the character and setting of the site. The proposal would lead to less than substantial harm to the Conservation Area for which no public benefits to outweigh this harm are considered to exist. The development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan, principles 2 & 14 of the Housebuilder Design Guide SPD and policies within Chapters 12 and 15 of the National Planning Policy Framework.
2. By virtue of the prominence of the amenity space associated with the dwelling, the proposed development would not provide a suitable level of private outdoor space that is commensurate to a dwelling of this size and scale, contrary to Policy LP24 of the Kirklees Local Plan, principle 17 of the Housebuilders Design Guide and the policies contained within Chapter 12 of the National Planning Policy Framework.

4.2 Whether the development proposal the subject of this application has overcome these reasons for refusal is a material consideration which must be afforded weight in the consideration of this application and is discussed in more depth in the following report.

- 4.3 Amendments to the scheme under consideration were proposed following refusal of permission on 26th June. In particular they are amendments to the fenestration details, reduction in the height of the flat roof single storey element to the front of the building and increased level of screening.
- 2018/91084 - Outline application for erection of residential development (one dwelling) (within a Conservation Area) – *Conditional Outline Permission* granted 10th April 2018
- 4.4 This consent required the details of the access, layout, scale, appearance, and the landscaping of the site to subsequently be gained at the Reserved Matters stage.
- 2018/93280 – Outline application for erection of residential development (one dwelling) (within a Conservation Area) – *Conditional Outline Permission* granted 29th November 2018
- 4.5 This consent required the details of the access, layout, scale, appearance, and the landscaping of the site to subsequently be gained at the Reserved Matters stage.
- 2022/90854 - Outline application for erection of residential development (within a Conservation Area) – *Conditional Outline Permission* granted 30th August 2022
- 4.6 This consent required the details of the access, layout, scale, appearance, and the landscaping of the site to subsequently be gained at the Reserved Matters stage.
- 4.7 Another permission, dating back to 1994, relates to use of the site as a car park to serve the adjacent public house. The 1994 consent is considered to be of little relevance in the consideration of this application.

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

- 5.1 Amended plans were submitted, relating to the fenestration details at the first-floor level of the proposed dwelling, within drawing 3594 (0-) 09RevC received 6th January 2025.

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 site is within the Strategic Green Infrastructure Network (River Colne Valley), and Slaithwaite Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within an area with a known presence of Swift Birds and Bats.

- 6.3 The site is in close proximity to a number of listed buildings. The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Supplementary Planning Guidance / Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications with the following chapters of relevance:

- Chapter2 Achieving sustainable development
- Chapter4 Decision-making
- Chapter5 Delivering a sufficient supply of homes
- Chapter9 Promoting sustainable transport
- Chapter11 Making effective use of land
- Chapter12 Achieving well-designed & beautiful places

- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment
- Chapter16 Conserving and enhancing the historic environment

Legislation

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

6.6 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.

6.7 When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015) which was in force at the time of registering the application and undertaking publicity.

7.2 The expiry date of the publicity period was the 5th December 2024.

7.3 One objection to the proposed development has been received, raising the following summarised concerns:

- Impact as a result of overshadowing and loss of light to neighbouring properties
- Impact upon the Conservation Area, the style and proportions is out of keeping with the surrounding historical buildings through incorporation of integral garages and balcony
- Impact to structure / foundation of neighbouring properties as a result of disturbance to retaining wall(s)
- Maintenance for neighbouring properties will be difficult as a result of the development.
- Impact upon views from neighbouring properties

8.0 CONSULTATION RESPONSES:

8.1 The following consultation responses received for the recently determined application (ref: 2024/91243, listed in the 'Planning History' section of this report) are considered relevant to the consideration of this application.

- *KC Conservation and Design* – Advice provided in meeting dated 19th June 2024.
- *KC Ecology* – No objection subject to condition
- *KC Environmental Health* – No objection subject to conditions and informative notes
- *KC Highways Structures* – No objection subject to conditions
- *KC Highways* – No objection subject to conditions and informative notes

8.2 The responses of the above listed consultees are discussed in greater length within the 'Assessment' section of this report.

9.0 MAIN ISSUES

- Principle of development
- Impact upon the character and appearance of the area (including impact upon historic environment)
- Residential amenity
- Highway issues
- Climate Change
- Other Matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

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

10.2 The dimensions of sustainable development will be considered throughout the proposal.

10.3 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.

- 10.4 Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.
- 10.5 Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.
- 10.6 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.
- 10.7 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.
- 10.8 As set on in NPPF paragraph 11d, this means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.9 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.
- 10.10 Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.
- 10.11 Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.
- 10.12 As the application site measures just 178sqm, it is deemed that 1 dwelling on this site would meet the requirements of Policy LP7 and Principle 4 of the SPD.

- 10.13 It is noted that there is an extant outline consent in place for one dwelling in relation to this site (ref: 2022/90854 – detailed in the ‘Planning History’ section of this report). This is a material consideration which weighs in favour of the principle of the development in this case given the extant consent does not expire until 30th August 2025.
- 10.14 Furthermore, since the granting of outline consent, the LPA is no longer able to demonstrate a 5 year land supply. This is a factor which must be weighed in the balance in the consideration of any planning application. However, it is considered that in relation to the presumption in favour of development the tilted balance would not be applicable in this case given the site is within a Conservation Area and, as set out at paragraph 11 of the NPPF, the LPA should apply the presumption unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development.
- 10.15 In addition, paragraph 11 sets out that the presumption should not apply where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.16 Therefore, with regard to the principle of development, whilst it is considered there is potential for the principle of the development for one dwelling to be considered acceptable, this is on the basis the development is acceptable in regard to the considerations set out in the following sections of this report.
- 10.17 The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

Impact on character and appearance of the area (including impact upon historic environment):

- 10.18 The NPPF does offer guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

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

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seeks 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.

- 10.19 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...”

- 10.20 Paragraph 134 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 139 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted Housebuilders Design Guide SPD.
- 10.21 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*
- *Taking cues from the character of the built and natural environment within the locality.*
 - *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
 - *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*
- 10.22 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*
- 10.23 Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.
- 10.24 Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.25 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.
- 10.26 Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

- 10.27 Furthermore, Policy LP35 of the KLP states 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*”.
- 10.28 Paragraph 212 of the NPPF states: “*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...*”.
- 10.29 This is further supported by paragraphs 213 – 215 of the NPPF, which outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.
- 10.30 The proposal would see a three-storey building, which has a curved design and incorporates sash designed windows at the first and second floor level. At the ground floor level, a recessed vehicular door is proposed.
- 10.31 A flat roof single storey element is proposed to the front of the proposed dwelling at the ground floor level, this would accommodate a terraced area above and feature a window in the western elevation. Access on to the terraced area is provided from both the street, with a new pedestrian access being created and also from door at the first-floor level within the southern elevation which opens to the terrace.
- 10.32 Consideration is given to the assessment of the 2022 outline application, in particular the following assessment:
- ‘Dwellings within the immediate area vary in size and design but are typically 2 storeys in height and detached or terraced properties. The submitted details identify that the applicant wishes to erect 2 three-storey dwellings, and it is assumed that the applicant proposes a pair of semi-detached properties as the site would not be of a size that could accommodate anything larger than this. The submitted Design & Access & Heritage Statement makes reference to the sites previous use for industrial purposes whereby a three-storey building once stood. As outlined within the Conservation & Design officers’ comments below, whilst a three-storey building may have been appropriate many years ago, the Conservation Area and context of the site has changed over time and thus a three-storey building in this location in the present day would not be deemed to be acceptable. A 2 storey or 2.5 storey property may be acceptable dependent on its design and massing. It is considered that a three-storey property in this location would appear overly dominant and prominent being located adjacent to a number of listed buildings on the junction of Church Street and Bank Gate, and would appear out of keeping with immediate development.’*
- 10.33 It is noted that the assessment of the outline application was on the basis of a different scheme and it is acknowledged by officers that the current scheme has gone some way to improving the overall design of the dwelling which is proposed.

- 10.34 However, the single storey flat roofed element to the front of the site is considered to create a feature which has an overly domineering and has a significant impact in relation to the setting of the site within the Conservation Area, and also the visual amenity of the proposed dwelling and wider locality.
- 10.35 The height of this element of the proposal is 3.6m (a reduction from 4.3m as proposed for application 2024/91243) when measured from Nabbs Lane and would be around the corner of the site (albeit of lesser height when adjacent to the highway) around half of the southern part of the boundary and part of the eastern boundary.
- 10.36 The expanse and massing in such proximity to the highway is considered to negatively impact upon the character of this part of the street. Whilst historically there was a building on this site, this has been removed, and the site has been open and free from built form for a considerable time.
- 10.37 The design is such that the dwelling would appear obscured from view when observed from the south / east of the site with a high wall which would have an imposing appearance within the street. Furthermore, the flat roof element to the front would see the only area of amenity space within a raised position on the prominent part of the site. Associated activities would be highly prominent and likely lead to pressure for further screening / enclosure of this area from future occupiers, which would have a further significant impact with regard to visual amenity / character of the locality.
- 10.38 The dwelling would have an internal space provision of 225m² and the flat roof element contributes 20m² to this space provision.
- 10.39 It is considered that design solutions exist which can mitigate the impact of the identified harm, in this case the flat roof element and incorporation of flat roof features and patio door openings at the first-floor level. Specifically, these would include the removal of the flat roof element, with the creation of amenity space at the ground level.
- 10.40 Such amendments would allow for the reduction of the height of the curved wall, which is immediately adjacent to the highway, and would enable an area of private amenity space to be provided.
- 10.41 Whilst the dwelling is of a three storey design, and having regard to the consultation response of the Conservation and Design Team within the 2022 outline application, it is considered the further detailed information within the heritage statement and the design of the building is such that a three storey building could be considered to be acceptable in this case, particularly given it would be stepped lower than properties to the north and although higher than properties to the west it is considered such a scale of building would not have a significant impact in terms of being three storey.
- 10.42 However, it is considered the appearance of the proposed dwelling overall is such that, as a result of the single storey element to front & raised terrace at the first floor level, the proposed dwelling would be out of character with the locality and would lead to a detrimental level of visual harm that would fail to harmonise with the setting of the site. The proposal would lead to less than substantial harm.

10.43 The previous refusal (ref: 2024/91243) is a material consideration which must be afforded weight in the consideration of this application. Whilst the scheme the subject of this application has been amended through the reduction of the height of the single storey element to the front, and the amendment of the fenestration details, it is considered the single storey flat roof element to the front has a harmful visual impact and reason no.1 of application 2024/91243 has not been overcome.

10.44 Whilst weight is afforded the public benefits associated with the proposal, in particular the bringing back into use an area of vacant land and the provision of housing in the district, it is considered possible for these benefits to be achieved with a design which is such that it does not lead to harm as identified. In this case the benefits of the scheme are not considered to outweigh this harm. Whilst amendment to the scheme have reduced the level of harm the development proposal is considered to cause; it is not considered it is reduced to a such a degree that can be considered to be outweighed by the identified benefits of the scheme in this case. It is therefore concluded the development would be contrary to policies LP24 and LP35 of the Kirklees Local Plan, principles 2 & 14 of the Housebuilder Design Guide SPD and policies within Chapters 12 and 15 of the National Planning Policy Framework.

10.45 Notwithstanding this assessment, in terms of the setting of the listed building to the south west of the site, having regard to the fact the elevation of the listed building which faces Nabbs Lane is not of high interest and does not serve as a main principal elevation and the fact this is directly opposite the public house and separated from the application site by the highway, it is considered the setting of this listed building would not be affected by the proposed development in this case.

Residential Amenity

10.46 Sections 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.”

10.47 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.

10.48 Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

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

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Impact on no. 6 Bank Gate

- 10.50 This neighbouring property is located to the north of the application site, approximately 5m away from the proposed dwellings as shown on the indicative plans. This neighbouring dwelling faces Bank Gate, with its blank side gable elevation adjacent to the shared boundary with the site. Whilst there is a limited separation distance between this neighbouring property and adjacent proposed dwellings, the southern gable end of no. 6 is blank.
- 10.51 Whilst the proposal would be of a three-storey design, it is noted that the building would be sited in line with no.6 and the western elevations of the proposed building would not protrude beyond the rear of no.6 Bank Gate.
- 10.52 As such it is considered the impact of the proposal upon the outlook from no.6 in terms of forming an oppressive / overbearing feature would not be to a significant degree particularly as the dwelling is sited at a land level lower than that of no.6.
- 10.53 In terms of leading to overshadowing, there would be an impact in this regard to some degree as a result of the proposed development, with light impacted in the morning hours and a level of restriction occurring which would be to the rear amenity space predominantly. Notwithstanding this, it is considered that the land level at which the dwelling would be sited, coupled with the fact the proposed building would not directly cut / impinge upon a 45 degree line when taken from the centre of the cill of any window within no.6, is such that it is considered a refusal on the basis of impact upon light serving no.6 could not be substantiated in this case.

Impact on no. 14b Nabbs Lane

- 10.54 This neighbouring property is located to the south-west of the application site approximately 12.6m away, and across the road. Given the location and orientation of this neighbouring property to the application site, there are no significant concerns in respect to overshadowing or the loss of light. It is noted that openings in no.14b which face the site are small and does not appear to be the main windows which provide light to this property. Given the siting of the proposal is off set from no.14b, to the north and the ground floor would serve a garage directly opposite, coupled with the distance of the proposal from no.14b it is concluded that the development would not have a significant impact with regard to overlooking, overshadowing or being unduly oppressive / overbearing.

Future amenity of the occupiers

- 10.55 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.”*
- 10.56 The proposal would provide in excess of the standard. Providing 220m² (approx) where the standard recommended for a 3-bed dwelling over 3 storeys

is 108m² (maximum applicable standard). It is noted that removal of the flat roof element to front would still see a dwelling that comfortably meets the space standard.

- 10.57 It is also acknowledged that the application site is located adjacent to a public house 'Silent Woman' and other commercial properties. Paragraph 187 of the NPPF sets out that planning decisions: "...*Should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*"
- 10.58 Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.
- 10.59 The Council's Environmental Health Team was consulted regarding the previously refused proposal and advised that, given the surrounding developments in proximity to the site, they considered that noise from the commercial buildings, customers and general traffic/trains and track maintenance could result in a loss of amenity to future occupiers. They recommended that a condition be imposed upon any grant of permission requiring a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including road traffic and commercial premises) be submitted to the LPA for approval in writing. On the basis of the inclusion of this recommended condition, the impact of the proposal having regard to neighbouring uses / developments is concluded as being acceptable.
- 10.60 Furthermore, with regard to noise during the construction phase of the development, they recommended a condition be in place restricting the hours of construction to 07.30 to 18.30 hours Mondays to Fridays and 08.00 to 13.00 on Saturdays. Given the scale of the proposal, it is considered inclusion of this condition would be unreasonable in this case.
- 10.61 Turning to amenity space provision of the proposed development. 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."*
- 10.62 The proposal would provide approximately 22m² amenity space, at the first-floor level, in a prominent location at the front of the site. The level of space provided is somewhat limited given the size of the proposed dwelling and also constraints of the site in terms of its overall size and the access arrangements / need to provide suitable access and parking arrangements.

- 10.63 Notwithstanding this point, whilst a lesser sized level of amenity space may be considered acceptable when balanced against other constraints of the site, it is considered that its provision in a prominent section of the site and at the first floor level is such that the development would not lead to a development which has an acceptable amenity space provision for occupiers of the dwelling.
- 10.64 It is considered that a design solution is possible in this case which could provide amenity space at the ground level, with a suitably sized wall (or wall and railing boundary treatment) to the southern / eastern boundary to provides a level of screening which ensures the amenity space is private.
- 10.65 The conclusions as set out at paragraphs 10.62 – 10.64 take account reason for refusal no.2 for application 2024/91243. It is noted the amended scheme has introduced screening, although the extent of screening which is introduced is not considered to suitably address the public positioning of the amenity space provision and the extent that it would be viewed by members of the public from the surrounding highway network.
- 10.66 It is therefore concluded that, given the prominence of the amenity space associated with the dwelling the proposed development would not provide a suitable level of private outdoor space commensurate to a dwelling of this size and scale contrary to policy LP24 of the Kirklees Local Plan, principle 17 of the Housebuilders Design Guide and the policies contained within Chapter 12 of the NPPF.

Highway issues

- 10.67 Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.
- 10.68 The Council's Highways Team was consulted on the previous application. They advised that Nabbs Lane is a 30mph two-way single carriageway local access road of approximately 7.8m width with a footway on the side of the proposal site and street lighting present. They noted there are 'No Waiting At Any Time' Traffic Regulation Order markings to the front of the site.
- 10.69 They observed that the site is 220m to stops on a high frequency bus route and approximately 400m to the rail station in Slaithwaite, the closest convenience store is approximately 245m from the site with a supermarket within 300m and other shops and facilities in Slaithwaite town centre within 350m. They conclude the site is in a relatively sustainable edge of town centre location.
- 10.70 The Highways Team made reference to the fact they noted the planning history in their response, and that some of the matters raised as requiring to be addressed within the 2022 application were suitably addressed. They noted a dropped crossing is in place already although advises works to the highway would need to be undertaken within the correct legal framework with the council as highway authority. Within their response advice is provided in relation to

visibility splays which are considered necessary to be provided. A condition requiring this is recommended to be included upon any grant of permission.

- 10.71 The Highways Team advised they considered the parking provision to be suitable as well as the provision of waste storage areas. These remain the same as part of this application. In addition to the condition relating to visibility splays conditions were also recommended relating to the design of proposed retaining walls adjacent to the existing highway including any modification to the existing private retaining wall supporting Bank Gate and that an easement strip of not less than 2.0m wide shall be retained between the proposed building and the existing private retaining wall supporting Bank Gate to facilitate access for its future inspection and maintenance.
- 10.72 The conditions recommended in relation to the retaining wall were echoed by that of the Highways Structures Team within their response.
- 10.73 The design of the dwelling is such that it would be within the 2m easement strip as recommended by the Highways Team. However, given the recommended condition relating to submission of a scheme detailing the design of proposed retaining walls adjacent to the existing highway including any modification to the existing private retaining wall supporting Bank Gate, it is considered a further condition requiring a 2m easement to be provided would be unreasonable of the LPA in the instance of any grant of permission (given an easement of 0.9m is provided on plan, or the building is immediately adjacent to the highway).
- 10.74 It is therefore considered that, subject to inclusion of the recommended conditions relating to the design of retaining walls / structures and the provision of sightlines, the development would have an acceptable impact upon access and highway safety given the access arrangements proposed, scale of the proposal and the level of off-street parking provision as well as the proposed waste storage arrangements.
- 10.75 It is therefore considered that subject to conditions the proposal meets the requirements of the aforementioned policies in this regard.

Climate Change

- 10.76 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.
- 10.77 Considering the scale and nature of the proposed development, especially that it is for private use, 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 National Planning Policy Framework.

- 10.78 Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.
- 10.79 The proposal would incorporate a number of measures, as set out in the Climate Change Statement supporting this application, which would go some way to offset the carbon footprint of the development in both the construction and operational phase of the development. Notwithstanding this, weight is further afforded the fact the site is in an accessible location close to public transport links, shops and services. Therefore, it is considered the proposal would have an acceptable impact in this regard.

Other Matters

Land Stability / Quality

- 10.80 Policy LP53 of the Kirklees Local Plan and paragraphs 189 and 190 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.
- 10.81 Notwithstanding the officer recommendation set out in this report, should the application be approved, a condition would be recommended to ensure that the stability of the public highway is maintained, required in the public interests to ensure access and highway safety is maintained. With regard to the impact of the development upon private land, Paragraph 197 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 10.82 It is considered that it would be unreasonable of the LPA to withhold permission on the basis of the potential impact of development upon land stability between the relevant landowners and that land stability is an issue which is a civil matter between such land owners.
- 10.83 The land is not within an area which is identified as potentially affected by land stability issues by the Coal Authority.

10.84 With regard to land quality, the Council's Environmental Health Team advised in their consultation relating to the previous application (ref: 2024/91243) that the site is close to a former mill site (ref: 12/14) and that a precautionary approach is required to be taken should permission be forthcoming insofar as a condition relating to investigation, remediation and verification of land quality in the event unexpected contamination is encountered be included upon any grant of permission.

Ecology

10.85 Paragraphs within Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

10.86 Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

10.87 The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

10.88 The Council's Ecologist was consulted, as part of application 2024/91243 advising that they noted from the submitted detail the proposal is exempt from mandatory Biodiversity Net Gain (BNG), as it constitutes self-build development as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

10.89 In terms of the biodiversity requirements of a scheme of this type as required by the aforementioned policies, the Council's Ecologist recommends that any grant of permission requires the provision of bat boxes / tubes.

10.90 Taking account of the nature of the site, the response of the Council's Ecologist upon the previous application and on the basis of the inclusion of the recommended condition relating to the provision of bat boxes / tubes it is considered the impact of the development upon ecology is acceptable and meets the requirements of the aforementioned policies.

Representations

10.91 The representations received are listed, and addressed, as follows:

- Impact as a result of overshadowing and loss of light to neighbouring properties

- 10.92 **Officer Response:** This matter is addressed within the ‘Residential Amenity’ section at paragraphs 10.46 – 10.66.
- Impact upon the Conservation Area, the style and proportions is out of keeping with the surrounding historical buildings through incorporation of integral garages and balcony
- 10.93 **Officer Response:** This matter is addressed within the ‘Impact on character and appearance of the area (including impact upon historic environment)’ section at paragraphs 10.18 – 10.45.
- Impact to structure / foundation of neighbouring properties as a result of disturbance to retaining wall(s)
- 10.94 **Officer Response:** This matter is addressed within the ‘Other Matters’ section of this report at paragraphs 10.80 – 10.84
- Maintenance for neighbouring properties will be difficult as a result of the development.
- 10.95 **Officer Response:** It is considered that suitable access around the property would allow for maintenance to be undertaken. Access over third-party land for the purposes of maintenance is a civil matter between the relevant landowners for which limited weight is afforded as a consideration material to the determination of this case.
- Impact upon views from neighbouring properties
- 10.96 **Officer Response:** It is considered this is a matter which can be limited weight as a consideration that is material to the determination of 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. It is considered that the proposed development constitutes unsustainable development in this case as a result of the visual harm and harm to the setting of the Conservation Area for which no clear and demonstrable public benefit(s) to outweigh the harm are present.
- 11.3 The quantum of development is significant and the level of amenity space provision limited as a result, with none provided such that it can be used in a private capacity.
- 11.4 In this case the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and refusal is therefore recommended.

Application and history files.

Website link: Application under consideration

[Planning application details | Kirklees Council](#)

Website link: Previous planning application

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Certificate of Ownership –Certificate A signed (11/10/2024)

