KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2018/62/93294/W
Site Address:	Birkby Rose Hill Cricket Club, Birkby Hall Road, Huddersfield, HD2 2BS
Description:	Erection of single storey rear extension (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 29-Jan-2019

Officer Report

Site Description

The development site consists of a single-storey painted prefabricated steel building measuring 9.7m by 15.9m. It is located at the north-western corner of a cricket field which is bounded by Birkby Hall Road to the north. To the west is the entrance to the burial ground. There is a mesh fence at the rear of the building but the highway boundary is marked by a stone wall.

Description of Proposal

The proposal is for the erection of a single-storey rear extension to the existing pavilion to allow the provision of improved facilities. Construction has already commenced and the walls appear to be almost externally complete. The walls are built in blockwork and the roof is proposed to be in mineral felt. An annotation on the plans says they are to be “fair-faced blockwork”; the agent has subsequently confirmed that the walls are to be rendered and painted to match the existing building.

History of negotiations/amendments received

22-Jan-2019: Arboricultural report and other supporting information submitted.

Relevant Planning History

2007/91888 – External rendering of existing modular building and its retention as a permanent structure. Approved.

Representations

Final publicity date expires: 23-Nov-2018

No representations have been made.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Arboricultural Officer (comments dated 03-Dec-2018) – No objection subject to conditions.
- Planning Conservation & Design – No objection.

Policy

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is with Edgerton Conservation Area and designated as Urban Greenspace on the UDP Proposals Map. It is without designation within Edgerton Conservation Area on Kirklees Publication Draft Local Plan. There are two Grade II Listed buildings close to the site, Rose Hill and its stable block.

As the development is a relatively small extension to an existing facility and would have level internal access, it is considered that it does not raise new issues under the Equality Act.

Kirklees Unitary Development Plan:

- **D3** – Urban Greenspace
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas
- **NE9** – Trees
- **EP4** – Noise-generating development
- **T10** – Highway safety.

Kirklees Publication Draft Local Plan (PDLP):

- **PLP21** – Highway safety
- **PLP24** – Design
- **PLP33** – Trees
- **PLP35** – Historic environment
- **PLP47** – Healthy, active and safe lifestyles
- **PLP50** – Sport and physical activity
- **PLP52** – Protection and improvement of environmental quality.

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development: The site is with Edgerton Conservation Area and designated as Urban Greenspace on the UDP Proposals Map. It is without designation within Edgerton Conservation Area on Kirklees Publication Draft Local Plan.

Policy D3 of the UDP states that planning permission will not be granted unless the development is necessary for the continuation or enhancement of an established use and would protect visual amenity, wildlife value and opportunities for sport and recreation. This theme is continued in Chapter 8, para 97 of the NPPF which seeks to retain 'open space' save for a limited number of exceptions. Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE5 (Conservation Areas to be conserved or enhanced) T10 (development should not give rise to materially increased highway safety problems) and NE9 (mature trees to be retained and their viability safeguarded).

The proposal would support the aims of D3 in that it would not affect the existing sports pitch or open space. Rather it would enhance it.

The principle policies of relevance in the PDLP are PLP21, 24, 33, 35, 47, 50 and 52. The first four cover highway safety, design, trees, and the historic environment respectively. The last deals with pollution impacts (in this case, potential noise impacts – also covered by EP4).

Policy PLP47 of the PDLP states that healthy, active and safe lifestyles will be enabled by facilitating access to a range of high quality leisure facilities, and PLP50 supports the protection and enhancement of outdoor sport facilities where appropriate. The proposal is for ancillary facilities rather than new playing pitches or equipment, but would in principle support the aims of PLP47 and PLP50 by enhancing the viability of the cricket club as a whole.

The development is therefore appropriate in principle subject to an assessment of amenity, heritage and environmental issues, to be assessed in detail below.

2 –Impact on visual amenity: It is considered that the building in its present form makes a neutral contribution to the character of the Conservation Area. The extension of the building would respect its appearance and would not make it much more prominent – it would not be very prominent from the public highway because of the existing boundary wall and trees. The setting of the two Listed Buildings, which are some 35m away from the development, would be unaffected. It is considered that it would comply with the aims of Policies BE1-2 and BE5 of the UDP, the NPPF Chapter 16, and PLP24 and 35 of the PDLP, and that no specific conditions relating to materials or finishes are necessary.

3 – Impact on residential amenity: No residential properties are in a position to be directly affected by the extension.

It does not represent a change of use and, given the position of established residential properties in relation to the club building, and the screen boundary wall which would also provide some sound attenuation, it is considered very unlikely that the increase in the scale of the club facilities would give rise to increased noise affecting local residents.

It is therefore considered that it would comply with the aims of Policies EP4 and PLP52 and that no conditions relating to hours or usage of the building are deemed necessary.

4 – Impact on highway safety: The cricket club has a car park, which, judging by aerial photographs, seems to be heavily used at peak times. The proposal, however, represents an enhancement to an existing use, with only a modest amount of new floor area being created. It is considered unlikely that the formation of improved facilities at the club would lead to a material intensification in the use of the access or the demand for parking. It is therefore considered that the proposed development would be neutral in its impact on highway safety and would accord with T10 and PLP21.

5 – Other matters:

Trees and ecology:
There are a number of mature trees on the edge of the site which are protected by virtue of being in a Conservation Area. The foundations have already been laid and so any potential for harm arising from further building works is limited and is not deemed to be a serious concern in this instance. No trees require removal as a direct consequence of the development, although the report recommends that one is removed because of its poor condition and one will need to be pruned. The report has been carried out to a high standard and it is considered that no further information is required, except that in the instance of works to protected trees being required beyond those specified in the report, details are to be submitted and approved. Subject to this it would comply with the aims of NE9 and PLP33.

The site is in the bat alert layer but the building is unlikely to have bat roost potential. The standard precautionary note will be added to the decision notice.

6 – Representations: No representations have been made by any third party.

7. Conclusion

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

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

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 20118/93294

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, and Policy PLP24(a) of the Publication Draft Local Plan.

3. Before the extension is first brought into use, the external walls of the extension shall be rendered and painted in a colour to match the walls of the original building and shall thereafter be retained as such.
Reason: In the interests of visual amenity, to ensure that the development conserves the character of the Birkby Conservation Area, and to accord with the aims of Policies BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, Policy PLP24(a) and PLP35 of the Publication Draft Local Plan, and the National Planning Policy Framework – Conserving and enhancing the historic environment.

4. Details of any additional tree works to protected trees required during the construction process, that is not identified within the submitted Arboricultural Report and supporting information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.
Reason: To ensure that the development conserves protected trees on site in the interests of visual amenity and the biodiversity of the site, and to accord with the aims of Policy NE9 of the Unitary Development Plan and PLP33 of the Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			15-Oct-2018
Covering letter			15-Oct-2018
Heritage statement			15-Oct-2018

Plan Type	Reference	Version	Date Received
Location plan			17-Oct-2018
Proposed plans and elevations	18/2		15-Oct-2018
Arboricultural report, plan and schedule			15-Oct-2018

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. On the advice of the case officer, the applicant submitted an arboricultural report so that any impacts on protected trees could be assessed and to avoid the need to make a separate application for tree works at a later date.

Report Dated: 29-Jan-2019