

**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: 2020/62/90630/W

Site Address: Old Town Hall, Lewisham Road, Slaithwate,
Huddersfield, HD7 5AL

Description: Erection of detached communal room (within a
Conservation Area)

Recommending Officer: Stuart Howden

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 20-Oct-2020

Officer Report

Site Description

Old Town Hall, Lewisham Road, Slaithwaite, Huddersfield, HD7 5AL

The site comprises a large detached two storey building constructed from natural stone under a blue slate roof. The site is located on a corner plot with Slaithwaite Road to the North West and Lewisham Road to the South. The site is raised above Lewisham Road and is set down from Slaithwaite Road. The building fronts Lewisham Road and access to the site is also off Lewisham Road. A parking area is located to the west of the building. To the east side of the building is a tarmacked area within the site and beyond this is a residential property (No.13 Lewisham Road).

The lawful use of the site would appear to be B1a (office) use (at the time of submission prior to the revision of the Use Class Order on 1st September 2020).

The site is within the Slaithwaite Conservation Area and is within close proximity to two Grade II listed buildings, these being 6, 8, 10 Lewisham Road and 20, 22, 24 Lewisham Road.

Proposal

Planning Permission is sought for the erection of a single storey detached communal building adjacent to the eastern boundary of the site shared with No.13 Lewisham Road. The building is proposed to measure approximately 3.6 metres by 5.4 metres. The building is proposed to have a mono-pitched roof with the roof pitching towards the side boundary, and the highest part of the building would be approximately 3.5 metres, whereas the eaves would be approximately 2.3 metres in height. The building is proposed to be constructed from timber and glazing on a stone plinth, under a blue slate roof.

Procedural Note

The application refers to intended use of the site, this being: *'luxury serviced office workspace and business members' club offering 13 offices...alongside a business members' club, which welcomes individuals and businesses on an application only basis. Members will have access to 'The House'; 600 sq.ft. of professionally interior designed break-out space, ideal for entertaining or presenting to clients. There will also be conference and meeting room facilities available to hire.'* From this, it appears that a change of use is potentially intended to the site to a sui-generis use, from an office use (B1a use (an E(g) use for submissions after 1st September 2020)). This planning application only relates to the communal building and not a change of use of the site. Thus, for the purposes of this application, the assessment relates to the proposed

building on the site for B1 purposes. The applicant's agent has been informed of this.

History of negotiations/amendments received

The communal area was proposed as an extension to the east side of the building, and concerns were raised that this would obscure the external chimney stack (an important detail of the building) and that the design of the extension was heavy and plain for such a building. Therefore the applicant's agent was advised to re-site the extension away from the chimney stack and provide an addition which was more traditional in design and lighter in appearance. Following these comments, the applicant's agent provided amended plans on 29th May showing an outbuilding sited away from the building (instead of an extension), which has a lighter appearance, and these addressed officer concerns.

Relevant Planning History

92/00865 – Change of use from restaurant to office accommodation – Approved.

95/93085 – Conversion of disused outbuildings and electrical sub-station to offices – Approved.

Representations

Final publicity date Expires:

Neighbour letters expired on 8th October 2020 (following re-consultation). Site Notice expired on 7th April 2020. Press Notice expired on 10th April 2020.

2 letters of objection and 1 letter providing comments were received to the initial scheme for an extension to the building. The comments raised are summarised below:

- Out of keeping within the locality and unattractive in design;
- Parking is insufficient on site and the extension would reduce space for parking on site, thereby encouraging off-site parking;
- Noise nuisance;
- Structural concerns;

Following the submission of amended plans on 29th May 2020, a residential property was re-consulted. Following this, one letter of objection was received. The concerns raised are summarised below:

- Noise disturbance from construction work;
- Noise nuisance and anti-social behaviour from the proposed use of the site;

- Smoke from cigarettes causing nuisance;
- Will result in further parking off-site.

(The above is a summary of comments provided, with full comments available to view on the Council's planning webpage)

Consultation Responses

KC Conservation & Design:

Comments provided on 2nd October 2020 (in relation to extension to the building):

Concerns that the extension would obscure the external chimney stack (an important detail of the building) and that the design of the extension is too heavy and plain for such a building. The extension should be re-sited away from the chimney stack and the addition should be more traditional in design and lighter in appearance.

Comments provided on 14th August 2020 (in relation to current scheme for detached building):

No objections. The amended plans address the previous concerns.

(The above is a summary of comments provided, with full comments available to view on the Council's planning webpage)

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

The site is unallocated on the Kirklees Local Plan Proposals Map. However, the site is within the Slaithwaite Conservation Area and is within close proximity to two Grade II listed buildings.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 8** – Safeguarding Employment Land and Premises
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision

- **LP 24** – Design
- **LP 35** – Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 6** – Building a Strong, Competitive Economy
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact upon historic environment
- 3) Impact on visual amenity
- 4) Impact on residential amenity
- 5) Impact on highway safety
- 6) Other matters – e.g. trees/ecology (e.g. bats)
- 7) Representations
- 8) Conclusion

1 – Principle of development:

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued on mutually supportive ways.

In line with the National Planning Policy Framework, policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

Paragraph 80 of the National Planning Policy Framework states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support

economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The application does not propose a material change of use of the site. Whilst the intended use of the overall site is acknowledged and it is discussed above that this may constitute a change of use to a sui-generis use (thereby potentially requiring a separate planning application), this application specifically refers to an outbuilding on the site, and not the change of use of the site. Thus, for the purposes of this application, the assessment specifically relates to the proposed building on the site for B1 purposes (given that this is the lawful use of the site).

Given that no change of use is proposed in this application, it is considered that the principle of the proposal could be acceptable. However, the principle of the proposal is also dependent on other considerations, which will be discussed below:

2 – Impact upon historic environment:

The site is within the Slaithwaite Conservation Area and is within close proximity to two Grade II listed buildings.

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.

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.

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.

Furthermore, LP35 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.”*

The proposal relates to a lightweight single storey building with a limited footprint and is of a limited height. Given this, and how far the building is set back into the site, it is considered that the proposed building would not compete in prominence with the existing building, nor would it appear as a conspicuous feature in the street scene.

In terms of the nearby Grade II listed buildings of 6, 8, 10 Lewisham Road and 20, 22, 24 Lewisham Road, given the modest scale of the proposed building and its distance away from these designated heritage assets, which are located on the other side Lewisham road from the site, it is considered that the proposal would not cause harm to the significance of these nearby Grade II listed buildings or their significance.

Further to this, the Council's Conservation and Design Officer has raised no objections to the proposal.

Given the above, it is considered that the proposal would not cause harm to the significance of the Slaithwaite Conservation Area, nor would it cause harm to the significance of the nearby Grade II listed buildings or their setting. The proposal is considered to comply with Local Plan Policy LP35 and Chapter 16 of the National Planning Policy Framework.

3 – Impact on visual amenity:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

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

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’

The proposal relates to a lightweight single storey building with a limited footprint and is of a limited height. Given this, and how far the building is set back into the site, it is considered that the proposed building would not compete in prominence with the existing building, nor would it appear as a conspicuous feature in the street scene.

It is therefore considered that the proposed development does not cause detrimental harm to the visual amenities of the locality. The proposal is considered to comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

4 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 127 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.

Paragraph 180 of the National Planning Policy Framework states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

The proposed building would be sited adjacent to the side wall of the dwelling of No.13 Lewisham Road. That said, there are no ground floor windows within the side wall of No.13 which face towards the site. Given the scale and siting of the proposed building, it is considered that the proposed building would not cause undue harm to No.13 or any other properties in terms of loss of light, overlooking or loss privacy, or the creation of an overbearing effect.

Concerns have been raised in representations in relation to nuisance and anti-social behaviour given what has been outlined in the design and access statement submitted alongside the application, which sets out the intended use of the site. Whilst these concerns are understood, this application does not relate to the change of use of the site, but specifically a detached building in connection to the lawful B1 use of the site.

It is noted that concerns have been raised in letters of representation about the proximity of the proposed building to the residential building of No.13 and the possibility of nuisance from noise and smoke. However, no change of use is proposed and there is nothing to prevent current office workers from socialising in this area of the site at the moment. It is therefore considered that it would be very difficult to defend the refusal of the application on the grounds of noise disturbance to neighbouring properties.

Given the above, it is considered that the proposal complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

5 – Impact on highway safety:

As noted, the application does not propose a change of use of the site, but a detached building relating to the current lawful use of the site. This is sited on tarmacking on land that could potentially be used for parking. The proposal would probably only result in the loss of 2 spaces for parking on the site and it appears that vehicles have tended to park on the west side of the building closer to the access rather than on the footprint of this proposed building.

Given the above and the relatively sustainable location of the site, close to the District Centre and railway station, it is considered that the loss of this space on the site is unlikely to cause detrimental harm to the safe and efficient operation of the highway.

The impact upon highway safety is considered to be acceptable and the proposal is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6 – Other matters:

Climate Change

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.

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

7 – Representations:

2 letters of objection and 1 letter providing comments were received to the initial scheme for an extension to the building. After the submission of amended plans on 29th May 2020, a nearby residential property was re-consulted, and following this 1 letter of objection was received. The majority of the concerns raised are addressed in the above assessment. The matters not addressed above, these being the concerns with noise disturbance from construction work and structural concerns, are not material planning considerations in the assessment of this application.

8 – 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

proposal would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers**Application Number:** 2020/90630**Officer Recommendation:** Approve**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 Policies LP7, LP8, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan and Chapters 6, 9, 12, 14 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Drawings (Titled 'Planning Drawing')	P01	A	29 th May 2020

Informative:

This approval of this application does not grant planning permission for the change of use of this site and solely relates to the erection of a detached outbuilding on the site. If a change of use of the site is proposed then planning permission may need to be obtained.

Statement of Engagement

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.

The communal area was proposed as an extension to the east side of the building, and concerns were raised that this would obscure the external chimney stack (an important detail of the building) and that the design of the extension was heavy and plain for such a building. Therefore the applicant's agent was advised to re-site the extension away from the chimney stack and provide an addition which was more traditional in design and lighter in appearance. Following these comments, the applicant's agent provided

amended plans on 29th May showing an outbuilding sited away from the building (instead of an extension), which has a lighter appearance, and these addressed officer concerns.

Report Dated:

16.10.2020
