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:	2020/62/93573/W
Site Address:	Lindley Evangelical Church, 31, Acre Street, Lindley, Huddersfield, HD3 3DZ
Description:	Demolition of an existing rear extension and erection of 3 storey extension to incorporate a staircase and lift, alterations to roof and the formation of a basement entrance
Recommending Officer:	Ellie Worth

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.

John Holmes

AUTHORISED OFFICER

Date: 13th October 2021

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Officer report

Site description

31 Acre Street, Lindley is a detached two storey building faced in stone with a blue slate tiled roof. The site currently benefits from a flat roof two storey rear extension. Vehicular access can be taken from the south western facing boundary onto Wellington Street. Within the site, there are also two trees which are protected via Tree Protection Orders (TPO's).

The site is set within a mixed use area, and is surrounded by residential properties, along with Huddersfield Royal Infirmary to the north east. The site is also unallocated on the Kirklees Local Plan.

Description of development

The proposal is seeking permission for the demolition of the existing rear extension and the erection of a three storey rear extension, alteration to the roof and formation of a basement entrance. The measurements of the scheme are as follows:

Rear extension

- 2.6m in projection
- 6.5m in width
- 7.7m in height to the eaves; 9.7m in overall height

The extension would be constructed from natural stone with a blue slate roof to match the existing building. The additional windows would be constructed from UPVC. The extension would provide a staircase.

With regards to the alterations to the roof, this would include raising the ridge height to the rear, in order to create a hipped roof form.

Excavation is also proposed to the front of the building, in order to create a separate entrance. This is approximately 1.6m deep to provide a new door and stairway.

Relevant Planning History

At the application site:

2017/91604 Demolition of rear extension and erection of rear extension to form a escape stair and wheelchair lift – Granted

2018/91326 Works to trees TPO 63/92 – Granted

2020/90695 Work to trees TPO 63/92 – Refused

History of negotiations/amendments received

Concerns were raised with the original plans, as the development would result in the loss of 3 on-site parking spaces, within a relatively constrained area in relation to parking, and also on the basis of the potential to impact upon the protected trees. As such, amended plans have been sought to reduce the extension, in line with what has been previously approved and to provide a tree protection plan.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on the 16th September 2021.

As a result of the above publicity, five representations have been received. A summary of the concerns raised are as follows:

- Concerns in relation to residential privacy, parking and lighting.
- The top windows on the rear elevation of the building face directly onto the neighbouring properties. I would like to request consideration be given to frosting all the windows.
- There are not enough spaces for the number of visitors.
- The new extension sees more spaces being lost, which raises safety concerns for both residents and other vehicle users.
- Lighting has been an issue in the past, with lights being left on overnight within the building.
- There are concerns regarding the hours of use of the building.
- The existing retaining wall is starting to give way and presents a danger.
- There are a lot of people visiting the site at unsociable hours and this is causing a nuisance for residents.
- The parking bays will not be of an appropriate size.
- The plans indicate a fire escape on both sides of the building, in both the existing and proposed plans. This is not in place and again indicates an error on the drawings.
- The property should be labelled as The Eden Centre rather than Lindley Evangelical Church.

Local ward councillor comments:

Cllr Burke: Raised initial enquiries regarding concerns over highways safety and parking. As such, amended plans were forwarded onto the Councillor, along with a short explanation.

Consultation Responses

KC Highways DM: In support of the application given that the existing number of parking spaces would be retained. Officers have also requested that a

condition requiring a construction management plan is attached to the decision notice.

KC Trees: In support of the application, given the submission of a tree protection plan.

KC Environmental Health: No objection, subject to a note being attached to the decision notice regarding the appropriate hours of use.

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.

Kirklees Local Plan (KLP)

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity
- LP 47 – Healthy, active and safe lifestyles
- LP 52 – Protection and improvement of environmental quality

Supplementary Planning Documents (SPD)

- Highways Design Guide.

National Policies and Guidance:

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

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

- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed place
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1.Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 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 the NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development on the application site is considered to be acceptable and shall be assessed against other material planning considerations detailed within this report.

Furthermore, the previous permission (2017/91604) for the demolition of rear extension and erection of rear extension to form an escape stair and wheelchair lift, is a material planning consideration. This establishes the principle of having a three storey extension at the application site. As such, the main consideration for this application is considered to be the change to the main roof form and the excavation to provide a separate males entrance.

2. Impact on visual amenity

Three storey rear extension

Initial concerns were raised over the size and scale of the development proposed. As such, amended plans have been sought to reduce the rear extension, so that it is no greater than the previous approval. This would ensure that the new built form would appear subservient to the host property, whilst retaining the same level of onsite parking.

In terms of design the extension would benefit from a hipped roof to match the alterations proposed to the existing building. This would allow the development to harmonise, to an acceptable degree with the character of the area. Materials would also match the existing.

With regards to fenestration, the submitted plans only show one new window to be inserted at second floor. This would be of an acceptable size and scale and would complement those that exist on the original building.

Having taken into account the above, it has been assessed that the rear extension would not unduly harm the visual amenity of the host property, nor would it appear incongruous within its setting subject to condition requiring the materials to match those used in the construction of the existing building. As such, the works are not considered to result in the overdevelopment of the site and it is concluded the development accords with .

Alterations to the roof form

As outlined above, the changes to the roof form would be acceptable from a visual perspective. They would allow the proposed extension to link well with the host property creating a simple and subservient feature. As such, no concern is raised.

Excavation to create new basement entrance

The submitted plans show a small level of excavation to be proposed to the front of the existing building. This would provide a new basement entrance and would result in 1.3m of the existing hardstanding being dug out to a depth of 1.6m. Steps would be created in order to provide pedestrian access and a new door would be installed.

Given that the evacuation would be relatively small in size and scale, no concern is raised from a visual perspective as the works would not appear overly prominent or dominant within the wider street scene. Such arrangements are also common for this type of development.

Therefore, in conclusion, it is considered the development would be acceptable from a visual perspective, and would accord with the aims of Policy LP24 of the KLP and Chapter 12 of the NPPF.

3. Impact on residential amenity

The impact of the development on each of the surrounding properties will be assessed in turn.

2 and 6 Wellington Street are the neighbouring properties to the rear of the application site. It has been assessed that there would be no undue overbearing or overshadowing impact upon these neighbours amenity, given the location of the proposed built form. More specifically, a separation distance of approximately 10m would be retained between the nearest elevation at these neighbours and the rear extension, along with 12m from the existing built form. As such, any additional bulk and massing from the rear extensions and alterations to the main roof form would not unduly impact upon these neighbours amenity.

In terms of overlooking, the submitted plans show one new opening to be inserted at first floor. Given that it serves a communal stairwell and whilst it is not a habitable room, it is likely to be heavily trafficked. Therefore, as the window faces towards these neighbouring dwellings, it is considered

reasonable to include a condition that the window be obscurely glazed upon any grant of permission.

5, 9, 11,13 and 15 Wellington Street are the neighbouring properties to the south/south west of the application site. There would be a separation distance of approximately 15m retained, including a highway. For these reasons the bulk, massing and opening contained within the rear extension would not have a material impact upon these neighbours amenity.

33 Acre Street is the residential property to the north west of the application site. It has been assessed that any impact upon these neighbours amenity would not be detrimental, as an acceptable separation distance would be retained from the rear extension. More specifically, officers have noted that these neighbours do not appear to benefit from any side openings within their garage extension. For these reasons, the works would not result in any significant overlooking, overbearing and overshadowing.

There would also be no material impact as a result of the excavation to the front of the property.

KC Environmental Health have also been formally consulted from a noise perspective, raising no concern, as the works relate to the provision of a new stairway and basement entrance.

Subject to the above condition, it is concluded that the development would not unduly prejudice the amenity of the nearby residents, in accordance with Policy LP24 and LP52 of the Kirklees Local Plan.

4. Impact on highway safety

Given the nature of the development, KC Highways DM have been formally consulted. In this case, initial concerns were raised regarding the reduction in the number of on-site parking spaces, given that the surrounded highway is oversubscribed for on street parking. As such, amended plans have been sought to show the extension as originally approved and for 10 off street parking spaces to be retained. This would be like for like when compared against the previous permission and therefore, on balance, no concern is raised.

Nonetheless, given the relatively tight nature of the site and the existing on street parking, Highways Officers have requested that a construction access management plan is submitted prior to the commencement of any development. This has been considered reasonable and therefore a condition shall be reimposed as part of the new application to provide, as a minimum, details of the types, sizes and frequency of delivery and contractors vehicles to be used at the site including the times of access and routes to site to be used (this should be in relation to the school times at the nearby primary school for highway safety reasons), details of parking for deliveries and contractors vehicles that will not cause increased parking or access problems for the existing residents, details of delivery vehicle turning areas or the use of

banksmen for reversing if required and details of wheel washing facilities to avoid mud contamination on the highway and the means of dealing with any mud contamination should it occur.

With the above in mind, it has been considered that the proposal on balance, can be supported on highways grounds following the above conditions and footnotes. For these reasons, the application will comply with LP21 and LP22 of the Local Plan and the Council's Highways Design Guide.

5. Other matters

Enhancement of community facility

The proposal will enhance a local community facility, through ensuring accessibility for less mobile visitors. The NPPF, Chapter 8, establishes a general principle in favour of inclusivity. Paragraph 92 states that '*The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities'*.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention was paid when undertaking the site visit to look to evidence of bat roost potential. In this instance, the building appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

Protected trees

KC Trees have been formally consulted as part of this application, given that there are two protected trees within the application site. In this case, the officer has noted that the proposal would not directly impact upon the adjacent protected trees.

However, concerns have been raised regarding the protection of the trees during the construction of the extension, as accidental damage can be caused by tracking of heavy machinery and lorries etc. As such, the officer has requested that a tree protection plan is demonstrated on the site plan, using fencing as detailed in BS5837:2012 section 6.2 figure 3.

In this case, such details have been sought and therefore a condition will be attached to the decision notice to state that the fencing shall be installed before any works on the site are undertaken and shall remain in place and not moved for the duration of the works. This is to accord with Policy LP33 of the KLP and Chapter 15 of the NPPF.

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that the extension would be constructed from stonework, which is a natural, locally sourced, material.

6. Representations

As a result of the above publicity, two representations have been received. A summary of the concerns raised, along with officer correspondence are as follows:

- The top windows on the rear elevation of the building face directly onto the neighbouring properties. I would like to request consideration be given to frosting all the windows.

  Comment: The above concern has been noted and a condition is recommended to be attached to any grant of planning permission to ensure that the new opening for the staircase is obscurely glazed. However, with regards to obscurely glazing all of the existing first floor openings, this is considered to be unreasonable.

- There are not enough spaces for the number of visitors.
- The new extension sees more spaces being lost, which raises safety concerns for both residents and other vehicle users.
- The parking bays will not be of an appropriate size.

  Comment: The above concerns have been noted and amended plans have been sought. A full assessment can be seen within section 4 of the report, whereby the parking bays have been considered appropriate.

- Lighting has been an issue in the past, with lights being left on overnight within the building.

Comment: The development proposed as part of this application does not include any external lighting. As such, any concerns with regards to lights being left on within the property is outside the remit of this planning application.

- There are concerns regarding the hours of use of the building.
- There are a lot of people visiting the site at unsociable hours and this is causing a nuisance for residents

  Comment: The proposed extension is not considered to alter the hours of use, and therefore it would be unreasonable to restrict this. However, if neighbours consider the development/use to provide a statutory nuisance, it is advised that they contact the Council's Environmental Health department.

- The existing retaining wall is starting to give way and presents a danger.

  Comment: This has been noted, however, it is the applicants responsibility to ensure that the retaining wall is structurally safe. Nonetheless, a note will be attached to the decision notice, with the details of the Council's Highways Structures Team should any further guidance be required.

- The plans indicate a fire escape on both sides of the building, in both the existing and proposed plans. This is not in place and again indicates an error on the drawings.

  Comment: This concern would need to be considered by building regulations.

- The property should be labelled as The Eden Centre rather than Lindley Evangelical Church.

  Comment: This has been noted.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/93573
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 LP1, LP2, LP21, LP22, LP24 and LP33 of the Kirklees Local Plan and Policies within Chapters 8, 12 and 15 of the National Planning Policy Framework.

3. The external walls and roofing materials of the development hereby approved shall in all respects match those used in the construction of the existing building. The materials of construction shall thereafter be retained as such.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

4. The development shall not be occupied until the staircase window in the rear elevation of the extension hereby approved has been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the obscure glazing shall thereafter be retained.
Reason: So as not to detract from the amenities of the neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

5. Development shall not commence until a schedule of the means of access to the site for construction traffic has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, turning facilities or the use of banksmen and the provision, use and retention of adequate wheel washing facilities within the site. Construction shall be carried out in accordance with the approved schedule throughout the period of construction of the development hereby approved.

Reason: This is a pre commencement condition in the interests of amenity and highway safety to comply with LP21 and LP22 of the Kirklees Local Plan and the and Policies within Chapter 12 of the National Planning Policy Framework.

6. The protective fencing as shown upon the submitted block plan drawing (ref:- 3937 05 Rev E) shall be installed before any works start on site and shall remain in place and not moved for the duration of the works.
Reason: To ensure that the development conserves the protected trees and ensures their long-term viability, and to accord with the aims of Policy LP33 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours, Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: It is the applicant's responsibility to ensure that the retaining walls are structurally safe. However, for any further advice you can contact KC Highways Structures on Tel No. 01484 221000.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	01	-	4th November 2020
Existing floor plans and elevations	02	-	4th November 2020
Existing block plan	04	A	4th November 2020
Supporting statement	Dated September 2020	-	4th November 2020

Proposed floor and elevations	03	J	1st July 2021
Proposed block plan and details of protective fencing	05	E	7th July 2021

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 Planning 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. In this instance, concerns were raised with the original plans, as the development would result in the loss of 3 on-site parking spaces, within a relatively constraint area and would have the potential to impact upon the protected trees. As such, amended plans have been sought to reduce the extension, in line with what has been previously approved and to provide a tree protection plan.