

**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:	2022/62/93192/W
Site Address:	Empire House, Lewisham Road, Slaithwaite, Huddersfield, HD7 5AL
Description:	Erection of detached communal room with glazed link (within a Conservation Area)
Recommending Officer:	Katie Chew

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.

Stuart Howden

AUTHORISED OFFICER

Date: 21st November 2022

Officer Report

Site Description

Empire House, 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 (of which this application relates) and beyond this is a residential property (No.13 Lewisham Road).

The lawful use of the site would appear to be E(g)(i) (office) use.

The site is located within Slaithwaite Conservation Area and is located in close proximity to a number of Grade II Listed Buildings to the south.

Description of Proposal

The application seeks retrospective approval for the erection of detached communal room with glazed link (within a Conservation Area).

The communal room is already constructed to the east of the host building within the aforementioned tarmacked area. The building measures 7.4m x 3.8m, with a maximum height of 2.7m. The building is constructed from timber and glazing on a stone plinth. A new glazed canopy has also been installed, this canopy is sloped and has a ridge height of 3.3m.

Officer note: As outlined within the previously approved application 2020/90630 the submitted supporting statement outlines the current use of the site as a luxury serviced office workspace and business member's club, with 11 offices, meeting rooms and a wine and coffee bar. They also note that they have hosted a number of networking events. From this, it appears that a change of use is potentially required at the site to a sui-generis use, from an office use E(g)(i). As this application relates only to the communal building and is not a change of use at the site, for the purposes of this application, the assessment relates to the proposed building on the site for E(g)(i) purposes. It is important to note that planning enforcement still have an open file on this site and therefore the need for a potential change of use may be investigated.

History of negotiations/amendments received

No amendments have been sought in this instance as the development was deemed to be acceptable upon submission.

Relevant Planning History

2020/90630 – Erection of detached communal room (within a Conservation Area). Approved 21st October 2020.

92/93085 – Conversion of disused outbuildings and electrical sub-station to offices. Approved 13th February 1996.

92/00865 – Change of use from restaurant to office accommodation. Approved 13th May 1992.

Planning Enforcement

COMP/21/0233 – Alleged works not as approved (2020/9063) and additional use of members bar. Ongoing.

COMP/20/0401 – Alleged unauthorised commencement of development prior to approval of 2020/90630. NFA - Application approved.

Representations

Final publicity date expires:

Neighbour Letters – Expired 10th November 2022.

Site Notice – Expired 11th November 2022.

Press Notice – Expired 18th November 2022.

This application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the application site's location within Slaithwaite Conservation Area, adjacent to a number of Grade II Listed Buildings.

1 representation has been received in objection to the proposals, and the comments received are summarised below.

- The design of the building is not in keeping with anything else within the Conservation Area, nor being of any architectural merit in of itself it is visually out of place with the rest of the street and area as a whole.

Officer note: Noted. The proposed design of the building is discussed in more detail within the visual amenity section of this report.

- The building is visible from footpaths on both Station Road and Lewisham Road, two of the busiest roads in the area. Though foliage does cover the view of much of the building from Lewisham Road the main tree/s and shrubs are deciduous and lose their leaves in October/November time and do not leaf again until the end of April/May, leaving the building clearly visible from the footpath on Lewisham Road for 6 months of every year.

Officer note: Noted. This is discussed in more detail within the visual amenity section of this report.

- If a green roof as mentioned in the supporting documentation is intended, then it should form part of this planning application as it is currently a lifeless grey rubber flat roof and has been for almost 2 years. It could be an indefinite amount of time before a green roof is installed if not part of this application.

Officer note: Whilst it is acknowledged that within the submitted statement there is reference to the potential of a living roof to the proposed outbuilding in the future. Details have not been submitted within this application and therefore have not been assessed as such. The proposals are deemed to be acceptable without the need for a living roof and therefore it does not seem reasonable or necessary to request a condition for this addition.

- Due to the height difference of the land and the placement of the windows at the front elevation of the 'quiet room' the front garden and entrance to the neighbouring property is easily overlooked from within the new building from all 3 windows, massively impacting on the privacy of the residents. Setting the building further back from its proposed sight and or installing frost/obscured glass would limit this invasion of privacy.

Officer note: Noted. This is assessed in more detail within the residential amenity section of this report.

- There is no way to access or carry out any necessary repairs to the external wall of the neighbouring property no. 13. Being less than 50mm away, the natural wear and tear and weathering upon the stonework and mortar will still take place.

Officer note: Unfortunately, this would be a civil matter and would not fall within the remit of planning. Officers would also like to note that this would have also been the case should the building not have been constructed prior to receiving planning permission.

- The kitchen is directly below the bedroom window of the neighbouring property and the bedroom is greatly impacted by unwanted odours and noise. This coupled with the excessive noise and disturbance during the many events that have already taken place and will continue to do so in the future, as well as causing a disturbance and noise pollution to Lewisham Road with people constantly going between the new and main building.

Officer note: Noted. The Council's Environmental Health Officer has been consulted on the proposals and raised no objections with regards to noise or odour pollution. Should any concerns arise in the future, third parties are recommended to contact Environmental Health directly and they can seek to investigate these issues.

Consultation Responses

KC Ecology – No objections.

KC Conservation & Design (informal) – No objections in principle but would like to stress the importance of getting permission prior to undertaking works in such a sensitive location. In this instance the development is deemed to be acceptable, but this may not be the case in future.

KC Environmental Health – No objections to the proposals subject to conditions and informatives relating to contaminated land and construction site working times.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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 application site is located within Slaithwaite Conservation Area, adjacent to a number of Grade II Listed Buildings. The site is also located within a Bat Alert Area, the Strategic Green Infrastructure Network and has a number of TPO trees along the western boundary and to the front of the site to the south-west.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP8 – Safeguarding Employment Land and Premises**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **LP33 – Trees**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**

Other Guidance Documents:

- Kirklees Highway Design Guide (2019)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- 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 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Impact upon visual amenity and the historic environment
- 2) Impact upon residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) 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, environmental and economic), and these are interdependent and need to be pursued in 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 81 of the National Planning Policy Framework states that planning decision 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 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 as a whole. Thus, for the purposes of this application, the assessment specifically relates to outbuilding on the site for E(g)(i) 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 development could be acceptable, but this is however dependent on other considerations which will be discussed below.

2 – Impact upon Visual Amenity and Historic Environment:

The NPPF offers guidance relating to design in Chapter 12 (achieving well-designed places) whereby paragraph 126 provides a principle 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 seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

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

In this instance, the building is single storey in height, with a flat roof design and comprises of a limited footprint. The building is set back away from the southern and eastern elevations of the host property and therefore is deemed to be a subservient addition when viewed against this existing 2 storey building. Whilst the materials and design used within the outbuilding do differ to the host property, the use of a timber painted frame does result in a more lightweight structure which does not compete with the host building in design or prominence. Furthermore, to the south of the site there is a drop in ground levels to Lewisham Road, this coupled with the high stone wall and mature planting which bound the site provide a buffer and some screening from the

public domain. Whilst neighbour objections have been received which outline that the boundary planting is deciduous and that they lose their leaves in October/November time Officers consider that when taking into account the above assessment as a whole the development is deemed to be acceptable on balance, in respect of visual amenity.

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

It is also important to note that the site is within the Slaithwaite Conservation Area and is within close proximity to two Grade II Listed Buildings (10, 6, 8 Lewisham Road and 20, 22, 24 Lewisham Road).

Section 66 of the Planning (Listed Buildings & Conservation 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.

Section 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, Policy 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 building outlined within this planning application is already constructed at the site and comprises of a painted timber frame located on a stone plinth. The building is considered to be of a somewhat light construction given its timber framing, single storey height, with flat roof design, and its limited footprint. Given this, and how far the building is set back into the site, it is considered that the building does not compete in prominence with the existing building and is be viewed as its own separate structure which is not considered to appear as a conspicuous feature in the street scene therefore not harm the significance of the conservation area.

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 building and its distance away from these designated heritage assets, which are located on the other side of Lewisham Road from the site, it is considered that the

proposal would not cause harm to the significance of these Grade II listed buildings or their setting.

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 Residential Amenity:

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

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. occupiers.

Impact on no. 13 Lewisham Road

This neighbouring property is located to the east of the application site. The building is constructed adjacent to a gable end wall belonging to no. 13 Lewisham Road, it also stepped back from the principal elevation of no. 13 by around 2m. Given the step back to the front and that no windows are within the eastern elevation of the outbuilding there are no significant concerns with regards to overlooking or loss of privacy. Furthermore, given the siting, scale and size of the outbuilding, it is considered that there is no undue harm caused to no. 13 in terms of the loss of light or the creation of an overbearing effect.

Impact on nos. 8 & 10 Lewisham Road

These neighbouring properties are located to the south of the application site. Given the orientation of these dwellings to the site, there are no significant concerns with regards to overshadowing. In addition, there is a large separation distance (approximately 17m) between these neighbouring properties and the outbuilding, and this coupled with the existing screening of mature planting and the high stone wall which runs to the south of the application site means that there are no significant concerns with regards to overlooking or the proposals appearing overbearing in nature.

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

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As noted, the application does not propose a change of use at the site, but seeks planning permission for an outbuilding relating to the current lawful use of the site. This building is sited on a tarmacked land that could potentially have been used for parking. However, the development probably only results in the loss of 2 parking spaces and it does appear that vehicles have tended to park on the western side of the building closer to the access rather than on the footprint of the outbuilding.

It is also considered that given the small scale and size of the outbuilding, bin storage and waste collection would remain as is.

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.

For the aforementioned reasons it is concluded that the scheme does not cause any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

Paragraphs 174, 180, 181 and 182 of 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.

Whilst it is acknowledged that the application site is located within a Bat Alert Area and Strategic Green Infrastructure Network (SGIN), the building is already constructed and given its small scale and nature, and over hardstanding, it is considered unlikely that roosting bats would have been disturbed during construction works and that the SGIN would've been compromised. KC Ecology have also raised no objections to the application. The development is therefore considered to be in accordance with Policies LP30 and LP31 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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 pre-dates 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 development, it is considered that it does not have an impact on climate change that needs mitigation to address the climate change emergency. The development therefore complies with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Trees

Whilst there are protected trees in and around the site, given the siting of the development it is considered that this has not caused damage to trees or will result in harm to trees in the long term.

6 - 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 constitutes sustainable development and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation - Delegated Powers

Application Number: 2022/93192

Officer Recommendation: Approve.

Conditions and Reasons:

1. 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 LP1, LP2, LP3, LP7, LP8, LP20, LP21, LP22, LP24, LP30, LP31, LP33, LP35 and LP51 of the Kirklees Local Plan, and Chapters 2, 4, 6, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

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 to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. 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 found then contact Natural England.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Planning Drawing	P01	B	3 rd October 2022
Supporting Statement	-	-	3 rd October 2022
Heritage Impact Statement dated September 2022	-	-	3 rd October 2022

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as the development subject of this application is considered acceptable.

Report Dated: 21/11/2022