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:	**2022/62/94111/W**
Site Address:	The High Park, 269, Bradley Road, Bradley, Huddersfield, HD2 1PZ
Description:	Erection of front and side veranda and extension to front portico and painted timber cladding and alterations
Recommending Officer:	Laura Yeadon

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: 22nd February 2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f94111

Site Description

The High Park is a large detached public house which is located within an area which is allocated as a Priority Employment Area within the Kirklees Local Plan. The building is located adjacent to and accessed from Bradley Road which is an adopted Classified road - A6107.

The building is constructed from red brick and has gables to the front that are clad in white render with the building being predominantly single storey appearance in height, but two-storey to the rear.

Externally there is a timber pergola to the front of the building and also a children's play area. There is extensive outdoor seating facilities to the front of the building.

Description of Proposal

The application is for the erection of a front and side covered veranda and an extension to the front portico and external alterations to attach painted timber cladding to the front elevation and to paint some areas of the existing brickwork to the front and one side elevation. There would also be alterations to the outdoor seating area, but this and changes to external landscape would not require permission.

It is proposed that the portico to the front entrance would extend forward of the existing by 1.1 metres lying flush with the existing side elevations, eaves and roof line of the entrance. It is proposed that the portico would be supported by timber posts with a decorative ridge tiles with roof tiles to match the existing.

The proposed veranda would attach to and lie flush with the portico as extended and would extend a total of 12.8 metres which projects beyond the side elevation of the host building by 2.8 metres and extending down the side of the building by 7.5 metres. The eaves height would be 2.8 metres with an overall height of 3 metres. It is proposed that the veranda would be constructed from timber painted cream with a covered roof.

It is also proposed that some of the existing brick walls to the front of the building would be painted as would the existing side elevation where the veranda would be located. The front elevation and part of the other side elevation would be reclad with painted horizontal timber cladding. Some of this would be a russet brown red (Dulux reference 12YR 07/279) and some 'cream' Dulux reference 20YY 47/145.

It is also proposed that an existing bay window is removed and replaced with a flush window. The submitted plan specified the colour palette proposed for the building.

History of negotiations/amendments received

The Agent was contacted with regard to the proposed colour of paint for the areas to the building indicated on plan to be painted. It is confirmed that the colour would be Dulux reference 12YR 07/279 (russet brown) and the cream is Dulux reference 20YY 47/145 cream. An amended plans was submitted (Rev 51D) to clarify the colour palette.

Relevant Planning History

1986/05337 Outline application for use of land for High Technology industry. Amended access to land to rear
Granted Conditionally

1990/01540 Outline for B1 Business Park
Condition Outline Permission

1992/05372 Erection of business park unit
Conditional Full Permission

1990/93219 Erection of public house and restaurant
Conditional Full Permission

1999/92448 Erection of public house with staff accommodation
Conditional Full Permission

2002/93911 Erection of extension to existing public house
Conditional Full Permission

2008/90553 Erection of timber and glass pergola
Conditional Full Permission

2008/91612 Erection of new children play equipment, picket fence, external lighting and associated works
Full Permission Unconditional

Representations

We are currently undertaking the legal 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.

Final publicity date expired 16th February 2023 - three letters of representation received with the following being a summary of comments:

- Additional traffic as headlights shine directly into house
- Larger outside area and noise disturbance from music played throughout the day and evening
- Hope security gates area to be kept and used daily as cars use the car park in the early hours of the morning
- Do not want gates removing and would like them to be locked at night
- Shrubs removed which used to block light into nearby houses

Parish/ Town Council – not applicable

Consultation Responses

K.C. Environmental Health – informal comments – advisory note to be added to the decision notice in relation to noise

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 without notation on the Kirklees Local Plan however it is also allocated as a Priority Employment Area.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 8** – Safeguarding employment land and premises
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 48** – Community facilities and services
- **LP 52 –** Protection and improvement of environmental quality

Supplementary Planning Documents:

- Highways Design Guide SPD

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is within a priority employment area on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

The building itself is located within an area which is a Priority Employment Area and therefore Policy LP8 of the Kirklees Local Plan is relevant. This Policy states that proposals for development or re-development for employment generating uses are acceptable where there is no conflict with the established employment uses in the area. In this instance, the existing use

of the building is a bar/restaurant and there is no intention to change the use as part of this application.

It is proposed that a small veranda to the front and side of the building be erected alongside an extension to the existing portico (entrance) in addition to the external cladding and painting of parts of the building.

It is accepted that a public house forms a community facility and Policy LP48 of the Local Plan supports proposal which seek to protect, retain or enhance the provision, quality of accessibility of existing community facilities. It is also accepted that the proposal would provide facilities where that would support the functioning of the public house by continuing to provide formalised but enhanced and covered outdoor seating on the veranda in a mixed use area of both residential and commercial properties. As the facility would not be lost and would be enhanced with general updates to the external appearance of the building, it is considered that the proposal would accord with the aims of Policy LP48.

It is therefore considered that the proposal is acceptable in principle having regard to other factors in terms of visual amenity, residential amenity, ecology and highway safety.

2 – Impact on visual amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

The proposal seeks to alter the building with extensions to form a veranda and portico and wider changes to its external paint colour and finishes. The veranda would be small in scale and limited in height and footprint. It would not compete in prominence with the existing building. The veranda would be constructed from timber supports with rooftiles to match the existing building and would attached to the proposed extended portico on the front of the building. The use of timber supports helps to achieve a lightweight structure which is subservient and therefore acceptable. The proposed extension to the portico would have a roof form to match the existing and would also have matching rooftiles and decoration. A bay window would be removed and replaced with a flush window within the front elevation gable. This would have no material impact on the appearance of the building.

In terms of the external appearance of the building, it is proposed that the single storey gables to the front elevation and a small section of the western side elevation would have newly painted timber cladding. The lower section of the walling and the western front gable and also part of the side elevation facing the easterly (car park) would be painted over the brickwork. The Agent has confirmed that the finishing colours would be Dulux reference 12YR 07/279 (russet brown) and the cream is Dulux reference 20YY 47/145.

Alterations to the outdoor areas are proposed which includes a water tower replacing a silver birch tree and outdoor seating, including booths. An existing

detached shed to the front of the building would be removed and replaced with a new turfed area. These alterations do not require a formal grant of planning permission, although it may be that a variation to the License would be required under a separate regulatory regime.

There is a slight alteration resulting in the loss of one parking space to the car park area which is not considered to be visually detrimental. The loss of the space would result in the pedestrian approach to the main entrance being paved and enlarged which is considered to be acceptable; and would assist accessibility to the premise.

Taking into account all the above, it is concluded that the proposed works would have an acceptable impact on visual amenity and would accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Policy LP52 is also relevant which seeks to ensure that noise and disturbance levels on a development are acceptable. The proposed is considered in relation to its impact on surrounding properties and that of future occupants.

The application site is located within a Priority Employment Area. As such, the development to the south-west, on the southern side of Bradley Road are commercial units forming part of Bradley Park. Facing the application site on the north side of Bradley Road are residential properties.

The bar/restaurant retains its sui generis use and is therefore established albeit currently undergoing refurbishment. The proposed extension to the portico and veranda would project forward of the front elevation of the building by 3.2 metres therefore slightly reducing the separation distance between the building and the facing residential properties with outdoor facilities. However, that separation distance includes a beer garden area, car parking spaces and an arterial route of the A6107. The separation distance from the veranda and portico would be approximately 57 metres which, given the intervening road, slight set down of the building and the presence of existing outdoor beer garden, is considered acceptable and would avoid potential noise nuisance.

It is noted that comments have been received in representations in relation to noise and light pollution. Informal consultation has taken place with the Council's Environmental Health Officers. Following discussion, it was concluded that there are no adverse concerns regarding to the proposal that would require the formal imposition of conditions or amendments to the scheme. The car park is not being reconfigured (save for the removal of a parking space) and the landscape buffer between the beer garden and Bradley Road is indicated to be retained. Although there would be further lighting to the verandah, this is a significant distance from residential

properties and there appears to be no reason why light from headlights would be any different than to at present.

An advisory note will be added to the decision notice in relation to noise disturbance to neighbouring residential properties. This would be in relation to the Council having powers under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice which it is satisfied that a statutory exists or is likely to occur or recur. Should a complaint be made to Environmental Health and an abatement notice is failed to be complied with, this is an offence whereby a maximum fine on conviction is unlimited. This is covered under Environmental Protection legislation which is why this is not imposed as a condition.

The proposal is therefore considered to have an acceptable impact on residential amenity and would accord with Policies LP24 and LP52 of the Kirklees Local Plan and advice within Chapters 12 and 15 of the NPPF.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case there would be no changes to the parking area for the premises other than the loss of one no. disabled parking space to enlarge the approach to the main entrance of the building. 8 no. disabled parking spaces would be retained.

The latest information published within Inclusive Mobility (A Guide to best practice on Access to pedestrian and Transport Infrastructure) Department for Transport Dec 2021 states under paragraph 8.2 that the recommended proportion of designated accessible parking spaces for Blue Badge holders is as follows:

*(iii) For car parks associated with shopping areas, leisure or recreational facilities, and places open to the general public: a minimum of one space for each employee who is a disabled motorist, plus **6%** of the total capacity for visiting disabled motorists.*

In this instance, as approximately 10% of the spaces would be for disabled parking, it is not considered the loss of the one space would be significantly detrimental to highway safety or parking provision, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan. Furthermore, the main access route to the premise would be improved for all by the removal of the parking space.

In terms of the storage of waste, the submitted application form states that the existing storage areas would be utilised and that there is storage for recyclable waste which shall be removed by a licensed contractor.

5 – 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 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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

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.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the extension to the portico being at a low level height and the veranda being a new structure that wouldn't interfere with the eaves of the main body of the building. The building is already externally illuminated and given this it is considered the proposal would not interfere with the foraging potential for bats.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be

attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

Three letters of representation have been received with the following being a summary of comments and LPA response;

- Additional traffic as headlights shine directly into house

Response: Light pollution has been assessed within the residential amenity section of this report

- Larger outside area and noise disturbance from music played throughout the day and evening

Response: Noise pollution has been assessed within the residential amenity section of this report. The use of amplified music to the outside area would be controlled under the premise license.

- Hope security gates area to be kept and used daily as cars use the car park in the early hours of the morning

Response: This is not a matter can be assessed by the LPA as there are no details of security gates as part of the development proposal and this does not fall to be determined within this planning application.

- Do not want gates removing and would like them to be locked at night

Response: This is not a matter that the LPA can control

- Shrubs removed which used to block light into nearby houses

Response: No landscaping areas form part of the application for development and therefore this matter is not a matter that the LPA can control

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 **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2022/94111

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 LP1, LP2, LP8, LP21, LP22, LP24, LP30, LP48 and LP52 of the Kirklees Local Plan and Chapters 2, 3, 6, 12, 14 and 15 of the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and 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 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: Kirklees Council has powers under Section 80 of the Environmental Protection Act 1990 to control noise and may serve a notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	SE15882052		23rd December 2022
Existing elevations, and floor plans	5248/50*		23rd December 2022
Proposed location plan, site plan, elevations, floor plan and section	5248/51	D	22nd February 2023

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 Agent was contacted with regard to the proposed colour of paint for the areas to the building indicated on plan to be painted. These were confirmed and verified by the submission of an amended plan.

Report Dated: 22nd February 2023

Coal – low