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:	**2023/62/90333/W**
Site Address:	Klippers Gents Hair Salon, 150, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RE
Description:	Alterations to front elevation comprising installation of new double-glazed window, infill facing stonework to match existing and remove roller shutter.
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.

John Holmes

AUTHORISED OFFICER

Date: 22nd March 2023

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90333

Site Description

150 Blackmoorfoot Road is a two storey mid terraced property located within the defined Local Centre of Crosland Moor. Within the terraced row are a number of buildings which include residential properties, a public house an off-license and takeaways. The unit known as No. 150 is a former hairdressers with the rear extension and the first floor being a flat known as No. 150A Blackmoorfoot Road. The property is stone construction with the attached public house painted white over the stone work. Surrounding development is also predominantly stone.

Description of Proposal

The application is for alterations to the front elevation of the building comprising of the installation of a new double-glazed window, infill facing stonework to match the existing and the removal of the roller shutter. The application does request a change of use to the building.

An application has been submitted under application number 2023/90337 for the prior notification for the change of use of the property from Class E to dwelling which runs concurrently to this application.

It is proposed that the works would be isolated to the front elevation of the property and would removal of the roller shutter door which covers the existing entrance door to the property, the removal of the existing window and replacement double glazed window and the infill of the section of walling below the window with stonework to match the existing.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2023/90337 Prior notification for change of use from Class E commercial to one dwelling
Not yet determined – under consideration

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 17th March 2023 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None required

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 but sit within the defined Local Centre of Crosland Moor.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 51** – Protection and Improvement of Local Air Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 9 – Promoting sustainable transport
- 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 without notation 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.

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of making alterations to a building Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

The above listed policies and guidance are taken into account within sections below of this report.

2 – Impact on visual amenity:

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

The works comprise of alterations to the front elevation of the property. This includes the removal of the roller shutter to the entrance door and the

alteration of the existing window with a replacement window with the section of walling under the window infilled to match the existing wall.

It is considered that the alterations to the front elevation are considered to be acceptable given the surrounding area is a mixture of commercial and residential properties with the resultant visual impact of the works appearing more residential than commercial in nature. It is not considered that the alterations to the fenestration details would be detrimental to visual amenity providing that the works are carried out in accordance with the plans and the stonework below the replacement window matches the existing stonework.

The works are considered to relate satisfactorily to the host building and have an acceptable impact on visual amenity, in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

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.

It is not considered that the amenity for the occupiers of the first floor flat or neighbouring commercial units would be impacted on in terms of the proposed works, nor the amenity of the facing properties or future occupiers of the building in terms of overlooking.

As part of the allied application for the prior notification for the change of use of the property, Environmental Health Officers have recommendation a condition in relation to sound insulation to protect the amenity of future occupiers of the site from noise particularly from the commercial properties to each side of the site.

As there are no proposed extensions to the property proposed, there would be no additional impact from overshadowing or by being overbearing which needs to be considered.

Therefore, it is considered that the proposed works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan as well as policies within chapter 12 of the National Planning Policy Framework.

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.

The site is located on a classified C road known as Blackmoorfoot Road. There is a bus stop outside the front of the property where a regular bus service operates. The site is within the defined local centre and therefore within the vicinity of a number of shops and services and is considered to be a sustainable location. Whilst there is no dedicated off-street parking demonstrated on plan, for the reasons of sustainability, it is not considered that dedicated parking needs to be provided.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 – Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good

design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The proposal would not result in any alterations to the roof of the existing building. However, the site is not within a bat alert zone on the Councils GIS system and the therefore the potential for bats is considered unlikely. Thus, it is considered that harm to protected species from the development is unlikely. In terms of net gains, it is considered that it would not be proportionate to request these for a development of this scale.

6 – Representations:

None

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: 2023/90333

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, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan and to accord with Policies within Chapters 2, 4, 9, 14 and 15 of the National Planning Policy Framework.

3. The external materials of construction used in the infilling of the external wall of the front elevation hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.
Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1190-3-OS-01 – Rev: A		1st February 2023
Site plan	1190-3-OS-02 – Rev: A		1st February 2023
Existing ground floor plan	1190-X-GA-00 – Rev: A		1st February 2023
Existing elevations	1190-X-EL-01 - Rev: A		1st February 2023
Proposed ground floor plan	1190-B-3-GA-00 – Rev: A		1st February 2023
Proposed front elevation	1190-B-3-EL-01 – Rev: A		1st 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 Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 22nd March 2023

Coal – none