

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS -
REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL
REGULATIONS 1992 (AS AMENDED)**

Reference No: **2023/48/91065/W**

Site Address: Civic Centre 1/Civic Centre Car Park, Huddersfield,
HD1 2NF

Description: Erection of generator housing

Recommending Officer: Tom Hunt

DECISION – Grant full permission under General Regulations

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: 13-Jun-2023

Officer Report

Site Description

2023/91065 – Civic Centre 1/Civic Centre Car Park, Huddersfield, HD1 2NF

The application site is within a car park serving Civic Centre 1. Nearby buildings are faced in stone. It is on lower ground in relation to the highway screened by soft landscaping. It is nearby to the setting of Listed Buildings and within Air Quality Management Area 9.

Description of Proposal

Erection of generator housing

It is proposed to erect a single storey building housing generator equipment to be flat roofed and ashlar stone clad 7.68m long, 4.68m width and 4.625m height. It would have louvred openings. It would take up 3 parking spaces on tarmacked ground. One parking space would be created alongside to have an overall loss of two parking spaces.

The building will only be operational for maintenance and in the unlikely event of a power supply emergency to Civic Centre One.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

There have been several planning applications on the site. However, none are considered relevant to the determination of this application.

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 Site Notice which expired on: 18/05/2023
Publicity expired: 27/05/2023

No representations have been received.

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 approximately 70m distance from the closest Listed Building northeast and similarly positioned away from the Huddersfield Town Centre Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 4 – Providing infrastructure**
- **LP 17 – Huddersfield Town Centre**
- **LP 20 – Sustainable travel**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 35 – Historic Environment**
- **LP 51 – Protection and improvement of local air quality**
- **LP 52 – Protection and improvement of environmental quality**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- 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 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 7 – Ensuring the vitality of town centres
- 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development

- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g., trees/ecology
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is located close to Huddersfield Town Centre Conservation Area and is nearby the setting of Grade II Listed Buildings on High Street.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should 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.

In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*.

This is mirrored in Chapter 16 of the NPPF of which paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

A detailed consideration of the impact on the heritage assets will be considered below.

Policy LP24 of the KLP is also relevant and states that *“good design should be at the core of all proposals in the district”*. Alongside this, LP1 of the Kirklees Local Plan 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.

The aforementioned policies are taken into account within the following report. Having regard to the nature of the proposal and the aforementioned policies,

the principle of development could be considered acceptable, subject to the following material planning considerations.

2 – Impact on visual and heritage amenity:

The proposed single-storey building would be clad in ashlar stone, which is a high quality material, but be of an utilitarian and functional design within a car parking area. In relation to the heritage assets, this would be screened heavily by the existing soft landscaping and because the car park is at a lower level than surrounding land. This would sufficiently ensure that there be no impact to the Listed Building or Huddersfield Town Centre Conservation Area. This would be viewed in its setting as a small and unremarkable functional outbuilding amongst the existing paraphernalia of the car park and the multi storey Civic Centre 1 and Castle House. As such, bearing in mind the proposed minor size and scale of the building, it would not have a detrimental impact on either the Conservation Area or the setting of Listed Buildings. It would therefore require no public benefits to be identified to meet Policy 35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

In terms of design, as set out, it would appear in keeping with the size and form of the car park paraphernalia and be viewed as a subservient addition to the curtilage of the Civic Centre 1 and Castle House. As such, Officers regard the proposal as acceptable for permission in this regard as it would not harm the visual amenity of the area, heritage assets and be acceptable and accord with Policies LP2, LP24 and LP35 of the Local Plan and Policies in Chapter 12 and 16 of the NPPF.

3 – Impact on residential amenity:

The site is not near residential quarters and therefore, the proposal is considered not to result in any adverse effects on residential amenity, thereby complying with policy LP24 of the KLP (b) and paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposal is to remove two parking bays overall which would be of limited impact to the existing car parking provision. The site is supported by frequent public transport links being close to Huddersfield Bus Station and within walking distance of Huddersfield Rail Station ensuring that car free travel is adequately supported. The proposal would therefore have no significant impacts on highway safety or parking and would comply with policy LP20, LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. A Climate Change Statement has been supplied.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The development would use sustainable low carbon embodied materials. It would support constant uninterrupted supply to Civic Centre 1 with no discernible interruption or effects on the electrical supply and all equipment and installations within the building in case of a power interruption locally. This would aid Civic Centre One in not having any energy demand on the National Grid during periods of limited power supply. It would not require additional heating or cooling systems as it would be naturally ventilated via the louvred openings. This would have some benefit in achieving net zero carbon emissions as a result.

Drainage

The site is within a low probability Flood Risk Zone and it is on existing hard surface with minimal works to ground reducing its impact on drainage and would have no additional harm to flood risk and drainage under LP27 or LP28 of the Kirklees Local Plan.

Biodiversity

Whilst it is acknowledged that the site is located within an identified swift area, the proposals are extremely minor and therefore considered unlikely that the proposals would have an impact on the swift population. Due to its minor scale and neutral impact on existing hard standing, the proposal would not have detrimental impact on the biodiversity in the area and would not be in conflict with LP30 of the Kirklees Local Plan or Chapter 15 of the NPPF.

High Coal Risk Area

The proposal is within a Coal High Risk area for development. The proposal would have extremely minimal ground disturbance over a minor footprint on existing hard standing and therefore in line with standing advice would not require consultation with the Coal Authority. Officers are in agreement that the proposed minor development of the land would have no detrimental impact in relation to the High Risk Coal area satisfying public safety. The proposal with the standard informative on High Coal Risk would be compliant with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Air and environmental quality

Even as the generator's machinery may have some background noise, the passive ventilation design has limited this by not requiring mechanical ventilation systems and is sited sufficiently far enough from sensitive receptors to avoid any additional detrimental impact on noise. It would be compliant with LP52 of the Kirklees Local Plan.

6 – Representations:

No representations had been received.

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

Application Number: 2023/91065

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 to accord with Policies s LP01, LP02, LP17, LP20, LP21, LP22, LP24, LP28, LP30, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan, and Policies within Chapters 2, 4, 7, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The external wall materials of the building hereby approved shall in all respects match those used in the construction of Civic Centre One.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	13/04/2023
Existing Site Plan.	Drawing No. PL01.	Unamended	13/04/2023
Proposed Site Plan.	Drawing No. PL03.	Unamended.	13/04/2023
Existing and Proposed Elevation Plans.	Drawing No. PL02.	Unamended.	13/04/2023
Proposed Elevation and Floor Plans.	Drawing No. PL04.	Unamended.	13/04/2023
Design & Access Statement	Design & Access Statement by Kirklees Council. Dated 03/04/2023	Original	13/04/2023

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 considered the application on review and sought no amendments as it met Local Plan policies on visual, heritage and residential amenity.

Report Dated: 12/06/2023