

**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:	<b>2023/62/91706/E</b>
Site Address:	Cinnamon Lounge, 17, Paul Lane, Flockton, Huddersfield, WF4 4BP
Description:	Internal and external alterations
Recommending Officer:	Elenya Jackson

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 11 August 2023**

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## **Officer Report**

### **Site Description**

**Cinnamon Lounge, 17, Paul Lane, Flockton, Huddersfield, WF4 4BP** is a two storey detached building which was formerly occupied by an Indian Restaurant and Takeaway.

The existing building has a rendered finish with a collection of small single storey extensions surrounding the main building. The site is surrounded by hardstanding which appears to provide parking for the site.

The site is situated across from Cockermouth Lane and is part of a small cluster of buildings which is comprised of a mix of residential units and agricultural storage.

The site is not located within a Conservation Area on the Kirklees Local Plan; however, it is located with the Green Belt and a low risk coal area.

### **Description of Proposal**

Planning permission is sought for external alterations to the dwelling. As the building is not listed, the internal alterations would not require planning permission.

The property would be finished in render (as existing) with timber cladding to the principal elevation, two roof lights to the principal elevation of the dwelling, alterations to the existing glazing in the gable end, two roof lights in the rear elevation, increase in the scale of glazing in the first floor rear elevation, a second floor window added on the northern elevation and a large side window into the southern elevation which would serve an office.

There would be no increase to the scale of the development.

The proposals would not result in the material change of use of the building (currently falls within Class E).

### **History of negotiations/amendments received.**

This planning application has been assessed based on the original drawings submitted with the current application. No further details or amendments were sought thereafter.

### **Relevant Planning History**

86/04686: Erection of Porch. Granted Conditionally

2002/90855: CHANGE OF USE FROM PUBLIC HOUSE TO DWELLING.  
Conditional Full Permission.

2008/93449: Change of use of existing first floor residential accommodation to extend restaurant. Conditional Full Permission

2010/93555: Erection of single storey extension to side to form lounge.

Refused

2011/90836: Erection of single storey extension. Withdrawn

### **Representations**

This application was publicised by neighbour letters to the adjoining properties which expired on 7/08/2023. Following this publicity, no representations were received from neighbours or members of the public.

### **Parish/Town Council comments**

None received

### **Consultation Responses**

N/A

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 within the Green Belt.

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.

### **Kirklees Local Plan:**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 57**- The extension, alteration or replacement of existing building

### **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 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Chapter 14 – Meeting the challenge of climate, flooding and coastal change

## 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 (including Green Belt)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

#### 1 – Principle of development:

The application site is located on land allocated as Green Belt on the Kirklees Local Plan. The proposal is for alterations to an existing building.

Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this include the extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan states that extensions will normally be acceptable provided that the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and other associated buildings will be considered. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building. Furthermore, the proposal should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials used should be sensitive to the character of the Green Belt setting.

These issues along with other policy considerations will be addressed below

#### 2 – Impact on visual amenity and Green Belt

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

Key Design Principles 1 and 2 set out general guidelines for assessing impact on character and visual amenity:

KDP 1 – Local character and the street scene – Extensions and alterations should be in keeping with the appearance, scale, design and local character of the area and the street scene.

As previously discussed, the proposal would not increase the footprint of the dwelling and therefore would not have any significant impact on the openness of the Green Belt.

The proposal would retain the use of render which is characteristic of the existing structure. There would be a timber clad finish introduced to the

external elevations of the dwelling; however, as previously highlighted the context of the site is a rural setting with an agricultural unit to the rear. It is considered that given the context of the site, a timber clad finish would not be inappropriate in this instance.

Given the above, the proposal would comply with Policies LP24 and LP57 of the KLP in terms of visual amenity and the historic environment. As such, the proposal is also considered to be in accordance with national policy in the NPPF Chapters 12 and 15 or KDP 1-2 of the House Extensions and Alterations SPD.

### 3- Residential Amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

#### *4 Paul Lane: adjoins the application site to the north:*

Overlooking: The proposal would introduce one second floor window into the existing structure which would serve a hallway/landing. As this would be non-habitable, it would not result in a loss of privacy.

Overshadowing/loss of light/overbearing: The proposal would not increase the dimensions of the host building and therefore no significant issues would be raised regarding overshadowing/loss of light/overbearing.

*15 Paul Lane: adjoins the application site to the south;* there is parking provision for both properties separating the two properties.

Overlooking: the proposal would introduce a large amount of glazing into the second floor side elevation of the existing structure. There is approximately 27m between the main structure of the two properties and 23m between the proposal and the extension of no.15; therefore, no significant issues would arise regarding overlooking. Officers clarified on site what the use of the windows in the first floor of the neighbouring dwelling were used for and it was confirmed this was a bathroom. In addition, there is an offset relationship between the proposed windows and no.15.

*2 The Lodge & 3 The Byre:* do not adjoin the application site as the amenity space of no.4 separates the properties. Therefore, no significant issues would arise regarding the residential amenity of the occupiers of this address.

*19 Paul Lane:* is situated to the north of the application property. There is approximately 29m between the two properties and therefore no significant issues would arise regarding the residential amenity of the occupiers of this address.

Given the above, subject to conditions there would be no adverse impact on residential amenity from the proposals which are considered in accordance with Policy LP24 of the KLP and Chapter 12 of the NPPF.

### 4- Parking:

The proposal relates to external alterations to the existing structure and therefore would not alter parking arrangements on site. Given the above, the application is considered to comply with the aims of Policy LP22 of the KLP.

5 – Other matters:

*Carbon Budget*

The proposal is a small-scale domestic development to an existing dwelling. As such, no special measures are required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

6 – Representations:

No representations received.

**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:** 2023/91706

**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 with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**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 the works may be carried out.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Proposed GA	(20)001	16.06.2023
Existing GA	(EX)001	16.06.2023
Location Plan	PP- 12220762v1	16.06.2023
Site Location Plan		16.06.2023

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 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.

No alterations required.

