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:	**2023/62/92703/W**
Site Address:	Former Waterworks, Holmfield Road, Longwood, Huddersfield, HD3 4TY
Description:	Change of use and erection of extensions and alterations to former water treatment building to form one dwelling
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.

John Holmes

AUTHORISED OFFICER

Date: 16th April 2024

Officer Report

Site Description

Former Waterworks, Holmefield Road, Longwood, Huddersfield, HD3 4TY

The application site comprises of a large single storey, detached, brick built disused workshop building which previously formed part of the Longwood Water Treatment Works. This building has been vacant for over 40 years and was previously used for the storage of paperwork for Yorkshire Water. The site at present appears overgrown with trees and vegetation, with signs of vandalism throughout.

The site is located off Holmefield Road, approximately 1.1km west of Longwood. The site is accessed from a predominantly surfaced track off Holmefield Road which forms a Public Right of Way (PRoW) HUD/428/50.

The workshop building is a standalone structure located adjacent to, but physically separated from, the wider Longwood Water Treatment Works. The building is surrounded by open countryside to the east, buildings associated with the active water treatment works to the south and southeast, and the Longwood Reservoirs to the north and west.

The application site is not located within a Conservation Area or in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the change of use and erection of extensions and alterations to former water treatment building to form one dwelling.

Internal alterations are proposed to convert the existing workshop building into a residential dwelling, comprising of 6 bedrooms, home office, roof terrace, entrance lobby, gym, snug, utility, downstairs WC, open plan kitchen/living/dining area, conservatory, gallery, family bathroom, wardrobe/dressing area and en-suites.

Externally a conservatory is proposed to be constructed on the southern elevation of the building. This is to measure approximately 5m x 4m, with a ridge height of 2.7m. The conservatory is to be constructed utilising a coursed red brick plinth and large panels of glazing.

A porch is also proposed on the eastern elevation and is to measure around 1.6m x 3.7m, with a ridge height of 3.7m. The porch is to be constructed from coursed red brick to match the existing building in colour, size and texture.

On the roof, 7 rooflights are proposed with a roof terrace shown on the eastern roof slope of the building. This terrace is to have a width of around 5.6m, depth of 2.6m, and a reveal height of around 2.6m.

History of negotiations/amendments received

Officers requested details to be shown on the submitted floor plans of the proposed terrace area, with queries also raised in regard to the level of tree removal on site. The applicant's agent responded providing an amended set of plans outlining the location of the roof terrace and level of tree removal on site. Further details were also requested in respect of access into the site and the existing Public Right of Way which currently comprises of a stile and gate.

Relevant Planning History

2017/91558 – Variation conditions 2 (plans) and removal of condition 5 (permitted development) 6 (turning area) and 10 (charging point) on previous permission 2015/93689 for change of use, extensions and alterations to former water treatment building to form one dwelling. Approved 12th July 2017.

2015/93689 – Change of use, extensions and alterations to former water treatment building to form one dwelling. Approved 19th January 2016.

87/01308 – Extensions to water treatment works. Approved 12th May 1987.

86/02750 – Treated water pumping station. Approved 12th August 1986.

Representations

Final publicity date expires:

Neighbour Letters Expired – 18th January 2024.

Press Notice – Expired 20th January 2024.

Site Notice – Expired 8th February 2024.

No third party representations have been received.

Officer note: The 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 site being located adjacent to a Public Right of Way (HUD/428/50).

Consultation Responses

KC Waste Strategy – Comments received 26th February 2024. Whilst Officers note that access is far from ideal due to the ability to turn on the access road/gateway, the WCA currently collects from neighbouring properties on a peripheral round so a BCP at the end of the drive as per the submitted proposed site/block layout plan no. PL-01 C is potentially viable.

KC Ecology Unit – Informal Comments received 20th February 2024. No objections subject to conditions to ensure the mitigation and enhancement measures submitted in the bat survey report are secured.

KC Strategic Waste – Comments received 19th September 2023.

There is one closed landfill site within 250m of application address.
KC Ref 156 lies approximately 195m away, shallow spike testing of the site for LFG in 1994 produced values of-
CH4 <0.1% v/v
CO2 0.2% v/v.

KC PROW – Informal Comments received 27th February 2024. No objections but Officers do query the gate which is located at the entrance of the PROW leading up to the new dwelling. The Council's records do not indicate that permission has been granted for this structure and that the footpath should be open and available for the public at all times.

Officer note: Following receipt of the above comments, the applicant's agent responded via email on the 28th February 2024 stating that the gate and stile has been in situ for many years, long before the land went up for sale – it is presumed that these were put by Yorkshire Water as the own all of the land around the site. The agent also notes that as the Public Footpath would be the drive up to the property, they will be submitting a separate request to resurface once the works are complete but that the PROW would remain with a gate & stile for foot access. PROW Officers responded to these comments and stated that whilst they do not object to the proposed development no authority is given for the change of surface of the footpath, including works that they undertake and that this should be included as a footnote.

KC Highways Development Management – Informal Comments received 23rd February 2024. Officers have no objections to the proposals but request that the applicant demonstrate via swept paths that a fire tender can access the property within 45m to the rear and turn around to enter and exit the development in forward gear. The turning area should also be kept clear from obstruction whilst also providing parking for 3 vehicles. Highway Officers also suggest that consultation is undertaken with waste strategy regarding the principle of waste collection down the track.

Officer note: Following receipt of further information from the applicant's agent in respect of access for fire tender, information was provided in relation to the previously approved application which required these details to be secured via condition. Highways Officers noted that whilst ideally, they would like this information upfront in respect of the turning of the fire tender, on this occasion they are happy to accept a pre-occupation condition. Highways Officers also noted that if Waste Strategy Officers have no objections, then they have no further comments to make in relation to waste.

KC Environmental Health – Comments received 3rd January 2024. No objections subject to conditions relating to land contamination and electric vehicle charging points.

Officer note: Whilst it is acknowledged that ENVH Officers have requested the provision of electric vehicle charging points, this is not considered reasonable or necessary to condition on this occasion as all new dwellings are to provide these features as standard under building control regulations and therefore a condition is not required at this time.

Local Ward Members

None.

Parish/Town Council

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 a Bat Alert Area and is within the Green Belt. It is also important to note that there is a Public Right of Way (HUD/428/50) which borders the site to the north and 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
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and Access
- LP22 – Parking
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP30 – Biodiversity & Geodiversity
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP57 – The Extension, Alteration or Replacement of Existing Buildings
- LP60 – The Re-use and Conversion of Buildings

Other Guidance Documents:

- Kirklees Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design for New Developments

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th December 2023, 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 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving well-designed Places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

1) Principle of development
2) Scale, design and visual impact of the proposed development
3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
4) Impact on highway safety
5) Other matters
6) Conclusion

1. – Principle of Development

1.1 **–** Sustainable Development

NPPF Paragraph 11 and Local Plan Policy LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Housing Density/Delivery

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, this means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Policy LP3 of the Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that proposals should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. As the proposals are for the conversion of an existing building within the Green Belt, the proposed single dwelling in this instance is deemed to be acceptable with a greater density of development potentially having a detrimental impact in terms of more intensive use of the land within the Green Belt.

This is further supported by previous approval 2015/93689 for the change of use, extensions and alterations to former water treatment building to form one dwelling. This application was approved 19th January 2016 but was never implemented.

1.3 – Land Allocation (Green Belt)

The application site is located within the Green Belt. As such the proposal will be assessed having regard to Chapter 13 of the National Planning Policy Framework which requires Local Planning Authorities regard the construction of new buildings as inappropriate development. Exceptions to this include the re-use of buildings provided that the buildings are of a permanent and substantial construction and the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Both of these exceptions (detailed in Chapter 13 of the NPPF) could be applicable in this case provided that the proposed development preserves openness and does not conflict with the purposes of land within the Green Belt.

Policy LP60 of the Kirklees Local Plan reiterates the first exception as stated above, by stipulating that the conversion or the re-use of buildings in the Green Belt will normally be acceptable where:

a) The building to be re-used or converted is of a permanent and substantial construction
b) The resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape
c) The design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting.

Policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings. Noting that:

'Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;

b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;

c. the proposal does 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

d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting'.

Whether the proposal is inappropriate development in the Green Belt

In terms of the conversion of the existing building, whilst no structural survey has been carried out on the building, there is no indication of any recent structural movement and from the site visit undertaken on the 25th of January 2024 there was no obvious reason as to why this structure could not be converted. It is therefore considered that exception of Green Belt policy is applicable.

Whilst the resultant scheme will somewhat change the character of the land, this is to be expected due to the proposed change of use of land for residential purposes. However, it is noted that the site benefits from previous permissions for the conversion to a residential dwelling and that the existing access to the site is to be utilised, reducing the need to introduce a new access which may urbanise the site further.

The residential curtilage of the dwelling is also to be kept to a minimum, with the majority of this land already defined by existing boundary treatments. In respect of the proposed extensions, these are small in scale and size (increase of just 26sqm in floorspace) and will be viewed as single storey additions against what is an existing large and prominent structure. However, it is considered reasonable in this instance to impose a condition to remove permitted development rights at the site for new extensions, additions to the roof and outbuildings to ensure that the openness of the Green Belt is not impacted upon further in the future from unsympathetic additions.

It is considered exceptional circumstances exist in this case to warrant the removal of pd rights, given the extent of works which could be undertaken and the fact the site is within a reasonably prominent setting whereby such works could impact upon the open character of the locality.

Policy LP57 subsections (c and d) and LP60 (c) are discussed further within the visual amenity section of this report.

In this case is it considered the principle of development is acceptable subject to the development having an acceptable impact with respect of all other applicable which are discussed further within the following report.

2 – Impact on Visual Amenity

The NPPF does offer guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal 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”.

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change’.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seeks 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.

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…

…extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers”

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Principle 2 of the Housebuilders Design Guide SPD stats that new residential development proposals will be expected to respect and enhance the local character of the area by:

• Taking cues from the character of the built and natural environment within the locality;
• Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details;
• Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

Firstly, looking at layout and siting of the proposed dwelling, Principle 5 of the Housebuilders Design Guide SPD states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 6 of the Housebuilders Design Guide SPD highlights that ‘*the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings…normally new build development should seek appropriate separation distances for servicing, accommodating future adaptions and creating attractive street scenes. These should be in keeping*

with the character and context of the site and proportionate to the scale of the dwellings'.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

The proposals seek to convert an existing former waterworks building and therefore the layout and siting of the dwelling is somewhat dictated by the buildings existing location. Nevertheless, the dwelling would be able to provide 2+ metres separation distances to all shared boundaries and given the rural nature of the site, there are no clear or coherent building lines within the immediate vicinity and therefore this is not considered to be applicable in this instance.

Internally, the converted building will be split into 3 levels, with living accommodation provided across all levels. The conversion also includes the provision of a porch, conservatory and roof terrace. The porch, roof terrace and conservatory (detailed within the description of the proposal section of this report) are considered to be of a scale, size and design that appears subservient and are to harmonise with the host building. These elements of the scheme were also previously granted approval within applications 2017/91558 and 2015/93689, with the proposed roof terrace being somewhat bigger than what is applied for under this current application. Officers therefore have no reason to dispute the previous conclusions drawn and therefore deem these additions and alterations to be acceptable.

With regard to materials and fenestration detailing, Principles 13, 14 and 15 of the Housebuilders Design Guide SPD are relevant and state:

- Principle 13 – seeks to ensure consideration is given to use locally prevalent materials and finishings to reflect the locality.
- Principle 14 – the design of windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.
- Principle 15 – the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Again, as discussed above, the proposals are somewhat dictated by the existing building on site, nonetheless, the submitted plans do note that any external alterations are to utilise grey slate roof tiles and coursed red brick, all to match the existing style, size, colour and texture of the materials found within the existing building. Officers welcome the use of these materials and consider them to be sympathetic and reflective of the host building.

Other external alterations include a replacement roof, numerous roof lights to both the east and west elevations, replacement windows and doors finished in PPC in the colour anthracite grey, formation of a circular window to each

gable end, replacing the large timber doors on the north and south elevations with glazing, reinstating a window on the east elevation.

A new area of hardstanding will be formed to the north of the building in order to provide access to the dwelling and a driveway for the parking of vehicles. A turning space will also be provided. The main amenity spaces would be towards the south and east of the site, with a patio area provided adjacent to the proposed conservatory.

Overall, Officers consider that the works described above to be acceptable. The amount of roof lights is quite extensive however, this is a reduction to the number of roof lights previously approved within the 2017/91558 application. It is also considered that this number of roof lights can be accommodated on a building of this size and that they would not be overly visible from surrounding land given the tree cover to the east of the site and the reservoir embankment to the west.

Looking at the above assessment, Officers consider it reasonable and necessary on this occasion, to remove permitted development rights for Classes A (extensions), B (additions to the roof – e.g. roof lights), D (porches), E (buildings incidental to the dwellinghouse) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended. This is to ensure that no large, overly dominant extensions or outbuildings which would have an adverse and harmful impact on the character and appearance of this simple and traditional former waterworks building or its setting can be undertaken without first being assessed by the Local Planning Authority. In addition, any further alterations or additions could impact on the openness of the Green Belt and result in further domestication of the site.

Taking the above into consideration, Officers conclude that subject to conditions, the proposals are considered to be sympathetic and accord with Policies LP1, LP2 LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘…minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Given the remote nature of the application site, the nearest residential properties to the site are 200+ metres away and therefore Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature on any neighbouring residential properties on this occasion.

Furthermore, Officers do not consider that the development potential of adjacent undeveloped land would be unduly prejudiced by the proposal and land to the east and south is also in the ownership of the applicant. In addition, it is noted that this land is allocated as Green Belt and therefore the construction of new buildings in this location is considered to result in inappropriate development and therefore the likelihood of development being undertaken on these pieces of land is limited.

Amenity of future occupiers of the proposed dwelling

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: "*All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."*

Internally the proposed converted dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards, with habitable rooms alll having access to at least 1 window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers.

In terms of amenity areas, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: "*All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor*

space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."

In this instance the proposals seek to provide a small patio area to the south of the property with space to the sides (east and west) of the new dwelling, providing grassed garden/amenity space. These amenity areas are considered to be of an acceptable size given the scale and massing of the new dwelling proposed, and these spaces will receive sunlight throughout the day, at all times of the year. It is therefore considered that the proposed amenity space would meet the requirements of Principle 17 of the above SPD.

Taking into consideration noise and odour pollution at the site, the Council's Environmental Health Officers were consulted and raised no concerns in respect of noise and odours associated with the adjacent water treatment works. The amount of activity generated by the treatment works is also likely to be low. In addition, future occupiers of the dwelling would be purchasing the property in full knowledge of the proximity of the adjacent and established land use.

In conclusion, taking the above into account it is considered that the proposals would not result in significance and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted Housebuilders Design Guide SPD.

4 – Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear. In this instance parking is proposed to the side of the dwelling within a driveway area. Officers consider this arrangement to be the most suitable in this instance and in accordance with Principle 12 of the above SPD.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. In this instance no bin storage facilities are shown on plan within the residential curtilage of the property, nevertheless,

given the amount of space available around the property to the front and sides Officers consider it reasonable that suitable bin storage could be provided within the site without impacting on access, parking or turning arrangements. Bin collection points are shown to the end of the driveway adjoining Holmefield Road. The Council's Waste Strategy Officers were consulted, they note that access is far from ideal due to the ability to turn on the access road/gateway, however the WCA currently collects from neighbouring properties on a peripheral round so a BCP at the end of the drive as per the submitted proposed site/block layout plan no. PL-01 C is potentially viable.

The access to the site is via public footpath HUD/428/50. This effectively forms an extension of Holmefield Road (adopted) and comprises a surfaced access road up to the water treatment site. The public footpath then becomes an unmade path beyond the water treatment works which is sufficient in width for one vehicle; the unmade path wraps around the northern part of the site.

Given the nature of the proposals the Council's Highways Officers were consulted, Officers initially raised some concerns in respect of the existing gate and stile located at the end of the proposed driveway (along the PROW), further details were requested from the applicant who confirmed that the gate and stile had been there for many years prior to the land being put up for sale. Whilst PROW Officers do not object to the proposed development, they do recommend informatives be included should planning permission be granted, in relation to the protection of footpath HUD/428/50 prior to, during or after development works, and that they would not support any resurfacing of the right of way. PROW Officers may also seek the removal of the gate and stile in the near future, but this will be undertaken outside the remit of this planning application. It is also considered reasonable to include conditions which require details to be submitted to the LPA of a scheme for the protection of public footpath users during development works, and that whilst no improvement works are indicated to the unmade section of footpath that lies between the water treatment works and the main point of access into the site. Details of any improvement works are to be required by condition should the applicant seek these changes in the future. Separate consent from the highway authority would also be required to authorise any works to the public footpath at/to the site.

In addition, the Council's Highways Development Management team were consulted and whilst they have no objections to the proposals, they do request conditions be imposed in relation to the provision of suitable turning facilities for a fire tender and the surfacing and drainage of areas of hardstanding used for the external parking areas to serve the development.

For the above reasons, and subject to the recommended conditions, it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD.

5 – Other Matters:

Biodiversity & Trees

Chapter 15 of the National Planning Policy Framework is 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 9 of the Housebuilders Design Guide SPD is also of relevance.

As the application site is located within a Bat Alert Area the Council's Ecologist was consulted. They note that a bat survey report has been undertaken at the building and that the comments submitted by the previous Ecologist for app 2015/93689 are still relevant, given the relatively low impact to roosting bats. However, the mitigation measures outlined in the submitted report should be strictly adhered to throughout the development, specifically for roosting bats and nesting birds. In addition to the above, the scheme should also include a condition for an integrated bird box, as detailed in the submitted report. Ecology Officers therefore have no objection to the proposals subject to the provision of conditions to secure the mitigation and enhancement measures submitted in the report, specifically with reference to section 6.3 of the submitted report (ref: MBE/BAT/2023/119/01).

Taking the above assessment into account, subject to the recommended condition, the proposals are considered to accord with Principle 9 of the Housebuilders Design Guide SPD, LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Officers acknowledged that there are no protected trees on site but that there are several mature trees. The submitted site plan indicates that the majority of the existing trees are to be retained, although several trees will be removed to allow for a suitable access and parking area to be provided (highlighted in yellow on the submitted plan). The applicant's agent has also confirmed via email that any saplings that have grown since the plans were drawn up will also be removed, and that most of these are within 2m of the existing building. Given the current overgrown nature of the site and that minimal external alterations/additions are proposed, Officers consider that the proposals would not have a detrimental effect on these trees which would warrant a reason for refusal. Similar conclusions were drawn in the 2015 and 2017 applications.

Taking the above assessment into account, the proposals are considered to be acceptable and in accordance with LP24 (i) and LP33 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 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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that:

'renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:

a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;
b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;
c. the statutory protection of any area would not be compromised by the development; d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits'.

The application is supported by a Climate Change Statement, this statement outlines that all replacement windows are to be aluminium rather than UPVC to reduce thermal transmittance, and all timber will be 'FSC' (forest management certification) with all materials and contractors being from the Huddersfield/Kirklees area. It is also acknowledged that there is the possibility of installing solar panels to the building and grey water recycling, bio-mass fuel burners and underground rain water storage water butts for rain collection.

Given the above, it is not considered reasonable to expect any additional information to be submitted in respect of meeting the Council's Climate Change Agenda in this instance, and it is noted that as a minimum the dwelling would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building.

Contaminated Land

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The Council's Environmental Health Officers have been consulted on the application, whereby they highlighted that the site of the proposed development is located near to land which is potentially contaminated due to its former use (our site ref: 238/9 and 46/8 landfill and former spoil heap, south-east of the site).

The building and land therefore may be contaminated from their former use which must be investigated as the development is for a sensitive end-use. Environmental Health Officers therefore recommend contaminated land conditions relating to investigation, remediation and verification of the land quality be included on any grant of approval should planning permission be granted. Officers consider these conditions to be sufficient to mitigate against any potential impacts in relation to contaminated land and therefore the proposals accord with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

There are no other matters for consideration.

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.

The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve subject to conditions.

Decision Authorisation: Delegated Powers

Application Number: 2023/92703

Officer Recommendation: Approve subject to conditions.

Conditions & Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: To ensure compliance with 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 Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP23, LP24, LP26, LP30, LP33, LP51, LP52, LP53, LP57 and LP60 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18, and 19 of the Housebuilders Design Guide SPD.

3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: This pre-commencement condition is required to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. Notwithstanding the approved plans and information, 1 new sparrow terrace bird box shall be installed to the hereby approved dwelling, during the period of construction on the southern elevation at least 5 metres above ground level and not directly above any doors or windows, with 2 additional woodcrete starling nest boxes to be erected on remaining trees. A further 2 bat boxes in the form of the Schwegler type 1FQ or similar shall also be installed to the dwelling on both the north and south gables at least 5 metres above ground level and not directly above any doors or windows. The development shall not be brought into use until the bird and bat boxes have been installed which shall be retained thereafter.
   Reason: To enhance opportunities for biodiversity at the site and to accord with policy set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

9. Details of any resurfacing works to public footpath HUD/428/50 shall be submitted to and approved in writing by the Local Planning Authority before any works to resurface any part of the footpath commence. Any resurfacing shall then be carried out in accordance with the approved details, completed before the development is brought into use, and thereafter retained.
   Reason: In the interests of highway safety and to accord with policies contained within Chapter 9 of the National Planning Policy Framework and policy LP21 of the Kirklees Local Plan.

10. The development shall be carried out strictly in accordance with the hereby approved Biodiversity Mitigation and Enhancement, by Jeff Keenlyside, dated 21st December 2015, received 12th December 2023 which shall be completed before the development is first brought into use and retained thereafter.
    Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with policy set out in Chapter 15 of the National Planning Policy Framework, policy LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoked or re-enacting that Order) no development included within Classes AA, A, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan within drawing no. PL-01C, received 22nd September 2023, without the prior written consent of the Local Planning Authority.
    Reason: To ensure that no large, overly dominant extensions or outbuildings which would have an adverse and harmful impact on the character and appearance of this simple and traditional former waterworks building or its setting can be undertaken without first being assessed by the Local Planning Authority. In addition, any further alterations or additions could impact on the openness of the Green Belt and result in further domestication of the site and to accord with policies LP1, LP2, LP11, LP24, LP57 and LP60 of the Kirklees Local Plan, policies within Chapters 12, 13 and 15 of the National Planning Policy Framework and Principles 2, 6, 14 and 15 of the Housebuilders Design Guide SPD.

12. Prior to the commencement of works on site, a scheme for the protection of users of public footpath HUD/428/50 during development works shall be submitted to and approved in writing by the Local Planning Authority. The scheme details shall include details of signing/guarding, deliveries, storage of materials, parking of vehicles, use of banksmen and protection of the footpath surface. The scheme so approved shall be implemented in full throughout the construction phase.

Reason: This pre-commencement condition is required to ensure that a scheme to protect the users of the Public Right of Way HUD/428/50 is in place at an appropriate stage of the development process, in the interests of highway safety and to accord with Chapter 9 of the National Planning Policy Framework and LP21 of the Kirklees Local Plan.

13. Other than the glazed walls and roof of the conservatory hereby approved, the materials of construction to be used within the external walls and roof of the extensions and alterations hereby approved shall be of coursed red brick to match the existing building in colour, size, texture and coursing and of grey slate roofing tiles to match the existing. Samples of the proposed walling stone and roof tiles shall be submitted to, and approved in writing by, the Local Planning Authority prior to their use. The development shall be undertaken in accordance with the details so approved and retained thereafter.
Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principle 2 of the Housebuilders Design Guide SPD.

14. Prior to the development being brought into use, the external parking areas to serve the development shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order (with or without modification)) these areas shall be so retained, free of obstructions and available for access, parking and turning at all times.
Reason: In the interests of highway safety and to ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of the development on flood risk, to accord with policies LP21 and LP22 of the Kirklees Local Plan, policies within Chapters 9 and 14 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

15. Before the dwelling is brought into use as scheme shall be submitted to, and approved in writing by, the Local Planning Authority which details turning facilities for a fire tender. The turning facilities shall be constructed in accordance with the approved details. The approved scheme shall be completed before the development is brought into use. The turning facilities comprising the approved scheme shall be made available for use by vehicles at all times and shall be kept free from obstruction to such use for the lifetime of the development.
Reason: To ensure appropriate arrangements for fire safety are in place at the site in the interests of health, wellbeing and safety of future occupiers of the development. In accordance with LP21 and LP24 of

the Kirklees Local Plan, Chapters 9 and 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864): www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: Public footpath HUD/428/50 is the access to and adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. It is also noted that the Council's public rights of way team **do not** give authority for the change of surfacing of the footpath. The Council's public rights of way unit may be contacted by telephone on 01484 221000 and ask for Sharon Huddleston. The Public Rights of Way email address is publicrightsofway@kirklees.gov.uk

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Plans and Specifications Schedule:

Plan Type	**Reference**	**Web ID**	**Date Received**
Site Location	PL-01	C	22nd

Plan			September 2023
Site Location Plan	PL-01	C	4th October 2023
Existing Ground Plan	PL03	-	22nd September 2023
Existing Elevations 1 of 2 North, East & South Elevations	PL04	-	22nd September 2023
Existing Elevations 2 of 2 West Elevation & Sections A-A/B-B	PL05	-	13th October 2023
Existing Site Plan	002	-	12th September 2023
Proposed Site Plan (Trees)	007	A	22nd February 2023
Proposed Site Plan (Septic Tank)	007	A	31st October 2023
Proposed Ground & First Floor Plans	008	-	12th September 2023
Proposed Second Floor & Roof Plan	009	-	22nd February 2024
Proposed East & West Elevations	010	-	12th September 2023
Proposed North & South Elevations	011	-	12th September 2023
Proposed Sections A-A, B-B & C-C	012	-	22nd February 2024
Climate Change Statement – Supporting Information	-	-	26th September 2023
Consultation Response: Kirklees	-	-	26th September 2023

Council Conservation & Design – Supporting Information			
Preliminary Roost Assessment – Supporting Information	MBE/BAT/2023/119/01	-	12th December 2023
Foul Drainage Assessment Form – Supporting Information	1351186.doc	-	26th September 2023
Local Sewer Photograph – Supporting Information	-	-	26th September 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 has, 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. Officers sought to request details to be shown on the submitted floor plans of the proposed terrace area, with queries also raised in regard to the level of tree removal on site. The applicant's agent responded providing an amended set of plans outlining the location of the roof terrace and level of tree removal on site. Further details were also requested in respect of access into the site and the existing Public Right of Way which currently comprises of a stile and gate.

Report Dated: 11th April 2024.