

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:	2023/62/93265/E
Site Address:	39, Town Street, Batley, WF13 2HQ
Description:	Erection of front extension to form entrance with associated external alterations
Recommending Officer:	Nicole Helliwell

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: 08 January 2024

Officer Report

Reference No. 2023/62/93265/E

Site Address: 39, Town Street, Batley, WF13 2HQ

Proposal: Erection of front extension to form entrance with associated external alterations.

Site Description

The application relates to 39 Town Street, a dental surgery situated in Batley. The wider area is characterised by residential, commercial and industrial properties of varying materials and architectural styles. The site is not within a conservation area, nor are there any listed buildings or public right of ways within close proximity.

Description of Proposal

The application seeks planning permission for the erection of a two storey front extension and associated external alterations to the existing dental surgery. Permission is not required for the internal alterations to the building and therefore, the only matters for consideration are the proposed enlargement and external alterations. The details of the proposal are summarised below:

- Two storey front infill extension (projection approx. 1.2m from the principal elevation, overall projection approx. 4.2m, maximum height of approx. 6.95m and eaves height of approx. 6.68m to 6.95m due to changes in ground level)
- Alterations to the ground floor fenestration within the front elevation of the building

Relevant Planning History

- **2007/92833:** Erection of dental surgery and 2 shops and 2 no. First floor flats. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2007/90492:** Erection of dental surgery and 2 shops and 2 no. First floor flats. [Planning application details | Kirklees Council](#) – Refused
- **2005/90165:** Erection of new dental surgery building. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **92/03058:** Change of use to dental surgery/office and associated parking area. [Planning application details | Kirklees Council](#) – Conditional Full Permission

Representations

The application was publicised by neighbour notification letters, which expired on 2nd January 2023. As a result of the above publicity, **no representations have been received.**

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Ecology –

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 UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 48** - Community Facilities and Services
- **LP 49** - Educational and Health Care Needs
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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 8** - Promoting Health and Safe Communities
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan. Furthermore, in terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework, regarding design.

The proposals would enhance the facilities at the dental surgery and, as such, are considered compliant with Policy LP49 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 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.”

Two Storey Front Extension

The proposed two storey extension would infill the area between the waiting room and the staff room and would extend approximately 1.2m from the principal elevation of the property. The extension would be glazed and would incorporate a flat roof form. Whilst flat roofs generally constitute poor design, in this instance, it would introduce a contemporary element to the building which would be acceptable. Although the extension would project forward of the principal elevation, it would feature a significantly lower ridge line and would have an acceptable scale relative to the original build. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

External Alterations

The submitted plans confirm that the windows and openings that currently serve the waiting room and staff room within the front elevation of the building would be removed and replaced with new windows. Given that the fenestration proposed would be of an appropriate design and scale, they are not considered to have any significant visual impact on the character and appearance of the host property and wider street scene.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 13 of the NPPF.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The submitted plans confirm that no properties to the north, east and south of the site would be affected by the proposed works. However, there are a number of commercial properties situated south-west of the application site. It is noted that a separation distance of approximately 12.2m would be retained between the proposed extension and the rear elevation of 36-38 Mill Road. Furthermore, approx. 17.4m would be maintained between the enlargement and 40 Mill Road and approx. 11.7m would be retained to 42 Mill Road. Therefore, given the nature of the proposal (non-habitable)

and that sufficient separation distances would be retained, it is considered that there would be no detrimental harm with regard to residential amenity.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

3. 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 also seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed two storey extension and associated external alterations would not materially intensify the use or affect the existing parking arrangements on site. Therefore, the proposed development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF and the Highways Design Guide SPD.

4. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the erection of a two storey front extension and external alterations at 39 Town Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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: 2023/93265

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 Policies LP1, LP2, LP21, LP22, LP24, LP30, LP48, LP49, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, the aims of Chapter 12 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: -

Plan Type	Reference	Revision	Date Received
Location Plan	(EX)002	-	09/11/2023
Existing GA	(EX)001	-	09/11/2023
Proposed GA	(20)001	-	09/11/2023
Block Plan	(20)002	-	09/11/2023
Climate Change Statement	-	-	09/11/2023

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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: