

**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:	2023/62/93388/E
Site Address:	Dene End Funeral Home, 50, North Road, Kirkburton, Huddersfield, HD8 0RW
Description:	Change of use from domestic to commercial, demolition of existing workshop and erection of three storey office building (within a Conservation Area)
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.

Emma Thompson

AUTHORISED OFFICER

Date: 10-October-2024

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Officer Report

Reference No. 2023/62/93388/E

Site Address: Dene End Funeral Home, 50, North Road, Kirkburton, Huddersfield, HD8 0RW

Proposal: Change of use from domestic to commercial, demolition of existing workshop and erection of three storey office building (within a Conservation Area)

Site Description

The application site relates to Dene End Funeral Home, which is located off North Road in Kirkburton, Huddersfield. The site comprises a detached dwelling and a group of buildings associated with the former funeral home business. The site is set on a gradient which falls from the east to the west. The site is unallocated within the Kirklees Local Plan but is located adjacent to other residential and commercial uses. The wider area comprises predominately stone built properties of similar architectural styles. The site is not located in close proximity to a public right of way (PROW) or a listed building. However, the site is located within the Kirkburton Conservation Area.

Description of Proposal

The application seeks planning permission for the change of use from domestic to commercial and the erection of a three storey office building. The existing workshop will be demolished as part of the application. The proposed works have been summarised below:

- Change of use from domestic dwelling to commercial use
- Three storey office building (width approx. 7.15m, depth approx. 27m and overall height approx. 11.2m due to changes in ground level)
- The office building would be predominantly faced in natural flat faced stone with elements of Kingspan Quadcore Wall Panels and would incorporate a dual-pitched roof finished in Kingspan Quadcore Roof Panel
- Formation of a new site entrance and parking area comprising 17 off street parking spaces
- Existing stone retaining walls will be repaired and retained

Relevant Planning History

- **2015/94068:** Works to tree(s) within a Conservation Area. [Planning application details | Kirklees Council](#) – Granted
- **2005/94812:** Renewal of unimplemented permission for erection of shop unit. [Planning application details | Kirklees Council](#) – Conditional Full Permission

- **2000/93021:** Renewal of unimplemented permission for erection of shop unit (within a conservation area). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **97/92113:** Conservation area consent for demolition and site clearance of all existing industrial buildings, plant and machinery, storage areas, silo's and racking. [Planning application details | Kirklees Council](#) – Conservation Area Consent Granted
- **97/91969:** Outline application for residential development (within conservation area). [Planning application details | Kirklees Council](#) – Conditional Outline Permission
- **96/93237:** Erection of extension and alterations to offices (within conservation area). [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **95/92891:** Renewal of unimplemented permission for the erection of shop unit. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **89/07282:** Erection of 1 no shop unit. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **87/02129:** Outline application for erection of 1 No. lock-up shop (within Conservation Area). [Planning application details | Kirklees Council](#) – Granted Conditionally

Representations

The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 8th January 2024. As a result of the above publicity, three representations have been received. The comments made have been summarised below:

- By converting the gardens around the residential property into parking, a green space in the middle of the village will be lost.
- The storm water runoff into adjacent sewers or the nearby beck will increase.
- It should be possible to mitigate the loss of green space by reducing the number of parking spaces and introducing some trees.
- It would also be worth using permeable materials to surface the car park to minimise run-off.
- This application will cause additional problems in and around the centre of Kirkburton from a road safety concern and additional on road parking.
- The site does not have enough parking currently for the staff employed there, and the proposed additional buildings and car parking spaces are not sufficient to provide to ease the current on road parking problems and road safety concerns.
- The noise, dust and building work will cause a major problems for through traffic entering and exiting Kirkburton village.

- Kirkburton village has problems encouraging the local traders and visitors to use the current facilities available as there is no short term parking available near the village centre in the normal working week due to having a multi-national company situated in the centre along with other much smaller businesses all using on road parking causing severe problems on the feeder roads into the village.
- I am the owner of the private drive over which the Cogri Group accesses its business. This includes all industrial activity including large transport vehicles on an access basis only.
- We have not been informed, despite our land being directly affected.
- CORGI's regular blocking of the drive and overspill also carries serious health and safety issues as emergency vehicles cannot automatically access it.
- Requests to CORGI to manage its traffic are ignored; likewise requests to clear up their detritus that regularly flies onto and settles on our drive.
- Given the current planning application I am seeking assurances that the Council in its deliberations, will demand a re-configuration of traffic flow and reduced traffic down our private drive.
- The CORGI group is a large industrial complex sitting in the heart of a village affecting many households and I trust the Council will give due consideration to the village as a whole.

Parish/Town Council Comments

Kirkburton Parish Council – No comment

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 Conservation and Design – No objection

KC Ecology – No objection subject to recommended conditions

KC Environmental Health – No objection subject to recommended conditions

KC Highways Development Management – No objection

KC Lead Local Flood Authority – No objection

The Environment Agency - No objection

The Coal Authority – No objection

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 site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, the site is located within the Kirkburton Conservation Area. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 9** - Supporting Skilled and Flexible Communities and Workforce
- **LP 13** - Town Centre Uses
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 27** - Flood Risk
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **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

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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 6** - Building a Strong, Competitive Economy
- **Chapter 12** - Achieving Well-Designed and Beautiful 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

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- National Design Guide

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
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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 all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

This application is for the change of use of land from domestic to commercial along with the demolition of an existing workshop and erection of a new three-storey extension at Dene End Funeral Home, 50 North Road. The site is located approximately 10m away from the boundary of Kirkburton District Centre (DCB5) as designated within the Kirklees Local Plan which was adopted on 27th February 2019. The development would result in 592 sq. m of floorspace. Offices are considered to be a main town centre use (as defined in the Glossaries of the NPPF and the Kirklees Local Plan and as such the proposal needs to be considered against the relevant town centre policies in the Kirklees Local Plan.

Town Centre Use

Policy LP13 of the Kirklees Local Plan is consistent with Government guidance contained within the NPPF stating that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres, and local centres), as shown on the Policies and Town Centre Maps, and as detailed in the shopping centre hierarchy.

Part B of Policy LP13 states that proposals which come forward for main town centre uses which are located outside of the defined centre boundaries will require the submission of a Sequential Test. Main town centre uses should first be located in the defined centres, then edge of centres and only if there are no suitable sites shall out of centre locations be considered. With this site being approx. 10m away from the boundary of Kirkburton District Centre, it can be considered to be in an edge of centre location.

Based on property searches and the Local Planning Authorities occupancy database (the latest occupancy survey for Kirkburton District Centre being

carried out in 2023), there are no vacant premises or alternative sites within Kirkburton District Centre which could accommodate the proposed development. It should also be noted that the company is acquiring the application site to provide staff parking and create additional office space to improve the work environment. Therefore, it is considered that the sequential test is passed.

Part C of Policy LP13 states that where an office development meets one or more of the following thresholds, a retail impact assessment will be needed:

- the proposal provides a floorspace greater than 500 sq. m gross; or
- the proposal is located within 800 metres of the boundary of a Town Centre or District Centre and is greater than 300 sq. m gross; or
- the proposal is located within 800 metres of the boundary of a Local Centre and is greater than 200 sq. m gross.

In proposing 592 sq. m gross floorspace and being located within 800m of Kirkburton District Centre boundary, the proposal meets the threshold at which an impact assessment would be met. The applicant has not included an impact assessment in their submission, however it is considered that with the company already operating its headquarters in Dene House and are proposing to use the site to create an employee car park and additional office space along with the possibility that employees could also use existing shops and services within Kirkburton District Centre, the proposed development will not have an adverse impact on Kirkburton District Centre.

Skilled and Flexible Communities and Workforce

Policy LP9 of the Kirklees Local Plan is aimed at supporting skills, employment and economic growth in Kirklees and in order to achieve this, the Council will seek to secure agreed training programmes or apprenticeships on employment developments that would result in 3,500 sq. m or more of business or industrial floorspace and housing developments which would deliver 60 dwellings or more.

In the case of the proposed development, 592 sq. m of floorspace is proposed so the threshold has not been met, however, the Council should still seek to secure alternative education or training programmes with the applicant in accordance with Policy LP9 of the Kirklees Local Plan.

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 and Historic Environment

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 offers 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(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Three Storey Office Building

The three storey office building would have an overall length of approx. 7.15m, a depth of approx. 27m and an overall height approx. 11.2m due to changes in ground level. The structure would be predominantly faced in natural flat faced stone with elements of Kingspan Quadcore Wall Panels and would incorporate a dual-pitched roof finished in Kingspan Quadcore Roof Panels. Although the structure would have a large scale, it would be of a simple form and would not appear incongruous from public vantage points. 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 a new entrance and parking area comprising 17 off street parking spaces would be created as part of the application. Although the proposal would alter the appearance of the site to a degree, it is considered that the alterations would not have a material impact on visual amenity.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

Historic Environment

Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) is relevant, and requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as in this case) this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application site is located within the Kirkburton Conservation Area. As such, KC Conservation and Design were informally consulted on the proposed scheme. Officers did initially raise concerns regarding the design/materials of the proposed three storey office building. However, revised drawings were provided which incorporated the requested amendments. Therefore, it is considered that the proposed development would be visually acceptable with regard to its scale, siting and design and is not considered to harm its heritage significance. Furthermore, the proposals would bring about improvements to highway safety by creating additional off street staff parking, in addition to the retention of an established business within Kirkburton, which Officers consider to amount to public benefits in this instance.

It is therefore considered that the proposed development would not cause any detrimental harm to the significance of the Kirkburton Conservation Area and would comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 66 and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. Impact on Residential Amenity of Neighbouring Residents

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 residential properties located north, south and west of the application site would be affected by the proposed works.

Impact on 131 North Road

131 North Road is a residential property located east of the application site. It is noted that the proposed development would occupy a position approximately 20.3m from the front elevation of no.131. Given that the building proposed would not be of residential use and that the separation distance retained would be substantial, it is considered that there would be no significant detrimental impact on the neighbour's residential amenity as a result of the proposed works.

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 135(f) of the National Planning Policy Framework.

3. Impact on 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. Furthermore, 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.

The application site at 50 North Road contains a detached dwelling and a range of buildings associated with a former funeral service business. This application seeks approval for the change of use from domestic to commercial, the construction of a three-storey office building and the formation of a new car park including the creation of a new site entrance from North Road. The Cogri Group is in Dene House, which is located adjacent to the application site, the company is acquiring the application site to provide staff parking and create additional office space to improve the work environment.

A new site entrance is proposed at the northern boundary of the site. This will facilitate, in conjunction with the existing entrance, the establishment of a one-way route through the site. The proposal also includes the provision of 17 off-street parking spaces within the new car park for employees. Officers have confirmed that there will be no increase in employee numbers or increase in traffic. Furthermore, a flow plate will be installed at the site entrance and exit points and signage will alert visitors to the one-way system. Therefore, the proposals are considered acceptable to Highways Development Management.

On this basis, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

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 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.

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.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority notes the submitted Geotechnical Environmental Report on Rotary Probing (reference no. J4323/18/E/C, dated August 2018) from RGS Ltd, which confirms site investigations across the site comprising of rotary borehole. The Coal Authority considers that the content and conclusions of the information prepared by RGS Ltd is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the development. The Coal Authority therefore has no objection to the development.

Electric Vehicle Charging Points

Approval under the Building Regulations will be required for any electric vehicle charging points, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Ecology

A bat survey report and a plan has been submitted with the application, which includes a layout of the site and details of features observed during the survey. The report recommends that the buildings at the site are of negligible value for roosting bats, however, a retaining wall at the site provides increased suitability and as such, it is recommended that this is dismantled by hand. In order to ensure that this is secured as part of the construction phase, Officers have recommended that the dismantling of this wall is secured via a suitably worded condition. In addition to the above, the report makes recommendations regarding nesting birds that could potentially be present within the buildings at the site. However, from additional information that has been submitted, it is understood that remedial works have been undertaken to the building outside of nesting season to deter nesting. In order to mitigate for the loss of these nesting features, one integrated bat box and one integral swift box shall be installed as per the submitted Bat & Swift Box Plan (reference no. 09, dated 11/09/2024).

Contaminated Land

A Phase 1 Geo-environmental Investigation, authored by Rogers Geotechnical Services Ltd, (dated 4th October 2024, ref. C4025/24/E/6211) has been submitted in support of the application. KC Environmental Health have considered the document and have been able to appraise the Phase 2 document fully. The Phase 1 report includes details of a site walkover on 12th December 2023 and gives an appraisal of the site history since 1854. Information from boreholes at an adjacent site has informed the potential coal risk at the site is low. The preliminary conceptual site model demonstrates that a medium risk exists at the site and has recommended a sampling regime.

A Phase 2 Geo-environmental Investigation, authored by Rogers Geotechnical Services Ltd (dated February 2024, ref. C4025/23/E/6125) has also been submitted with the application. The fieldworks were undertaken on 24th and 25th January 2024. A total of eight windowless trial pits were excavated, cores were logged and retrieved for chemical analysis. The ground conditions were proven as made ground and topsoil over clay. Three samples were submitted, the results of the chemical analysis are given in Appendix 4. Some contaminants were found to be above the Soil Screening Values (SSV's), for commercial development. RGS considered that the criteria for no free product should be adopted for the PAHs and TPHs at this site,

concluding that the site is generally uncontaminated. It should be noted that the development has no soft landscaping. The updated Conceptual Site Model, Table 10 reflects this. The report goes on to clarify *“On completion of the groundworks a careful site inspection of the sub-grade would be required. Should visual or olfactory evidence of contamination be revealed then further testing may become necessary.”* On this basis, KC Environmental Health accept the report and recommend a condition in relation to unexpected contamination

Flood Risk

The application site lies partly within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The Environment Agency have reviewed the submitted Flood Risk Assessment prepared by KRS Environmental Ltd. The applicant's agent has also confirmed that none of the buildings over the culvert will be demolished as part of the application. For these reasons, the Environment Agency have removed their outstanding objection and recommend approval of the planning application. However, it should be noted that the proposed development including temporary construction works will require a Flood Risk Activity Permit.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

There are no other matters considered relevant to the determination of this application.

5. Representations

Three representations were received during the course of the application. The comments made have been summarised and addressed below:

- By converting the gardens around the residential property into parking, a green space in the middle of the village will be lost.

Response: *This area of green space is not protected and is not of public use.*

- The storm water runoff into adjacent sewers or the nearby beck will increase.

Response: *The Lead Local Flood Authority and The Environment Agency were consulted on the application and raised no objections in this regard.*

- It should be possible to mitigate the loss of green space by reducing the number of parking spaces and introducing some trees.

Response: *This is noted; the impact of the development on visual amenity has been assessed above.*

- We have not been informed, despite our land being directly affected.

Response: *Neighbour notification letters were sent in accordance with the Kirklees Development Management Charter. Furthermore, the application was also publicised by site notice and press advertisement.*

- It would also be worth using permeable materials to surface the car park to minimise run-off.

Response: *A condition has been added to the decision notice requiring the parking areas to be constructed in permeable materials.*

- This application will cause additional problems in and around the centre of Kirkburton from a road safety concern and additional on road parking.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- The site does not have enough parking currently for the staff employed there, and the proposed additional buildings and car parking spaces are not sufficient to provide to ease the current on road parking problems and road safety concerns.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- The noise, dust and building work will cause a major problems for through traffic entering and exiting Kirkburton village

Response: *Impacts from construction are temporary and are not material planning considerations.*

- Kirkburton village has problems encouraging the local traders and visitors to use the current facilities available as there is no short term parking available near the village centre in the normal working week due to having a multi-national company situated in the centre along with other much smaller businesses all using on road parking causing severe problems on the feeder roads into the village

Response: *The proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- I am the owner of the private drive over which the Cogri Group accesses its business. This includes all industrial activity including large transport vehicles on an access basis only.

Response: This would be a private matter and would not constitute a material planning consideration.

- COGRI's regular blocking of the drive and overspill also carries serious health and safety issues as emergency vehicles cannot automatically access it.

Response: This would be a private matter and would not constitute a material planning consideration.

- Requests to COGRI to manage its traffic are ignored; likewise requests to clear up their detritus that regularly flies onto and settles on our drive.

Response: This would be a private matter and would not constitute a material planning consideration.

- Given the current planning application I am seeking assurances that the Council in its deliberations, will demand a re-configuration of traffic flow and reduced traffic down our private drive.

Response: The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.

- The COGRI group is a large industrial complex sitting in the heart of a village affecting many households and I trust the Council will give due consideration to the village as a whole.

Response: All material planning considerations have been addressed within the report.

6. Negotiations

Amendments were sought during the course of the application. KC Conservation and Design were informally consulted on the proposal and did raise concerns regarding the design and material palette of the three storey office building. Revised drawings were received which were considered acceptable in terms of visual amenity and historic environment. Given that only minor alterations were made to the scheme, it was considered that no further publicity was required.

7. Conclusion

This application for the change of use from domestic to commercial, demolition of existing workshop and erection of three storey office building at Dene End Funeral Home 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: 2023/93388
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, LP3, LP7, LP9, LP13, LP21, LP22, LP24, LP27, LP28, LP30, LP35, LP51, 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 three-storey building hereby approved shall be constructed in natural flat faced stone with elements of Kingspan Quadcore Wall Panels for the external walls and Kingspan Quadcore Panels for the roof in accordance with the submitted materials document (reference no. WHpR 23-0046/1-C/12-09-2024) and the document titled 'Elevations – Proposed' (reference no. 14 rev. B). The materials of construction shall thereafter be retained for the lifetime of the development.

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

4. The wall on the southern boundary of the site is to be dismantled by hand with care, under the direct supervision of, an appropriately experienced ecologist.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30.

5. Site clearance works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30.

6. The development shall be completed in accordance with the Proposed Bat & Swift Box Plan (reference no. 09, dated 11/09/2024) and retained thereafter.

Reason: In order to provide an enhancement to biodiversity in line with LP30 of the Kirklees Local Plan and the requirements of section 15 of the National Planning Policy Framework.

7. The development shall be carried out in accordance with the submitted flood risk assessment (reference no. KRS.0785.001.R.001.C, dated July 2024) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than the existing ground levels as shown in the topographical survey in Appendix 2 of the submitted FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy.

8. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been 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.

9. The development shall not be brought into use until the areas to be used by vehicles and/or pedestrians have been 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 2009 (ISBN as amended or any successor guidance. The parking space shall be so retained, free of obstructions and available for the use thereafter.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

NOTE: It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to

exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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.

NOTE: It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned

legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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	01	-	27/11/2023
Topographical Survey	02	-	27/11/2023
Lower Ground Floor Plan – Existing	03	-	27/11/2023
Ground Floor Plan – Existing	04	-	27/11/2023
First Floor Plan – Existing	05	-	27/11/2023
Construction Management Plan	07	B	09/10/2024
Ecology Plan	08	-	17/04/2024
Proposed Bat & Swift Box Plan	09	-	12/09/2024
Lower Ground Floor – Proposed	11	D	03/06/2024
Ground Floor Plan – Proposed	12	B	15/02/2024
First Floor Plan – Proposed	13	-	27/11/2023
Elevations – Proposed	14	B	26/08/2024
Lower Ground Floor – Demolitions	20	-	27/11/2024
Ground Floor – Demolitions	21	-	27/11/2024
First Floor – Demolitions	22	-	27/11/2024

Plan Type	Reference	Revision	Date Received
Sight lines	-	-	07/03/2024
Window Reveal Detail	SK01-25/09/24	-	25/09/2024
Materials	WHpR 23-0046/1-C/12-09-2024	-	12/09/2024
Geotechnical Environmental Report	J4323/18/E/C	-	24/01/2024
Phase 1 Environmental Desk Study Report	C4025/24/E/6211	-	04/10/2024
Phase 2 Geo-Environmental Report	C4025/23/E/6125	-	20/09/2024
Flood Risk Assessment (excluding drawing titled 'Elevations – Proposed' (ref. 14, dated 02/11/23) within Appendix 1)	KRS.0785.001.R.001.C	-	12/07/2024
Planning Statement	-	-	27/11/2024
Results of Daytime Bat and Bird Inspection	424.065118.00001	1	27/03/2024
Climate Change Statement	-	-	27/11/2023

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. Amendments were sought during the course of the application, following comments from KC Conservation and Design. Revised drawings were provided which were considered acceptable with regard to visual amenity and historic environment.

Report Dated: 09/10/2024

