

**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:	2024/62/91208/W
Site Address:	47A, Sherwood Avenue, Bradley, Huddersfield, HD2 1RQ
Description:	Demolition of existing porch and erection of replacement porch
Recommending Officer:	Laura Yeadon

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: 21st June 2024

Officer Report

[Website](#)

Site Description

The site relates to a plot of land to the rear of the properties on Sherwood Avenue which is known as Bradley Depot and is occupied a relatively new building which is occupied by Huddersfield North Scouts and to the south of this building. There are a number of outbuildings set behind metal fencing, the one closest to the Scout Building being a portacabin which is used as an office/meeting room which hosts a porch on the front elevation. The site is used a Scout Resource Centre for the storage, repair of camping and activity equipment and as an office and training facility.

Access to the portacabin is along an access which is located between 47 and 49 Sherwood Road, via the existing metal fencing/gates.

The properties beyond the submitted red line boundary of the site are predominantly residential.

Description of Proposal

The application is for the demolition of the existing porch and the erection of a replacement porch.

The existing porch has a footprint of 1.2m x 1.6m with an overall height of 2.3m and it the proposed porch would be 7.9m x 3.9m set upon a dwarf wall with an eaves height of 2.2m and overall height of 2.6m.

As cited within the submitted document entitled 'Huddersfield North Scouts – Porch Proposal' the existing porch would be replaced with a recycled conservatory which would allow an improvement to the insulation of the building and improve the disabled access within an internal ramp. There are no proposed changes to the electrical supply, water supply or drainage and there are no changes to the access or parking requirements.

A Geotechnical Report has been submitted (ref - J3341/15/E), which undertakes an assessment of land quality / stability.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2013/90568 Outline application for erection of 6 dwellings

Granted und Reg. 4 General Regulations

2015/90498 Erection of scout resource centre for the storage and management of camping, activity and other equipment
Conditional Full Permission

2017/90136 Removal conditions 3 (materials), 5 (mezzanine floor), 6 (parking/turning), 7 (site investigation report), 8 (Intrusive site investigation report), 9 (remediation strategy) and variation of conditions 2 (plans), 4 (windows/doors) on previous permission 2015/90498 for erection of scout resource centre for the storage and management of camping, activity and other equipment
Granted

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 13th June 2024

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received

Consultation Responses

K.C. Environmental Health – no objection subject to the imposition of conditions relating to the reporting of unexpected contaminated land and footnotes regarding contaminated land reports, construction working times and the control of pollution.

Having regard to the fact the site is within an area identified as a Coal Mining High Risk zone, it is considered that it was not necessary to consult the Coal Authority in this instance on the basis that the development relates to the Erection of buildings or structures with minimal foundations or groundworks. The conclusion that there was no requirement in this case for consultation with the Coal Authority is in cognisance of the submitted detail relating to land quality / stability.

Policy

The site is without notation on the Kirklees Local Plan and is within an area of coal mining Development High Risk Area (DHRA).

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development

- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 48** – Community facilities and services
- **LP 51** – Protection and Improvement of Local Air 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) published 20th 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

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).

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

Policy LP48 is also of relevance which relates to community facilities and services and states that:

‘Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meet s the needs of all members of the community.’

It goes on to states that....*‘Where community facilities area provided as an integral part of a development, they should wherever be within adaptable mixed-use buildings.’*

As the site stores all the equipment in the new building and also for other community groups that don't have a storage facility, it is considered that to enlarge the portacabin building to enlarge an existing office/meeting room would improve the disabled access by creating an internal ramp would support the operation of the site and the community and educational facility. Therefore, the principle of the proposal is considered to be acceptable and support the aims of Policy LP48 of the Kirklees Local Plan and well as meet the requirements of policies LP1 and LP2.

2 – Impact on visual amenity:

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

The proposed extension to the front of the portacabin would be in the form of a recycled conservatory. This would be at odds with the existing temporary building which is constructed from plastisol coated aluminium. Whilst the materials would not be particularly in keeping, given that the building only

affords views from inside the site itself, it is not considered that the mis-match of materials would cause significant harm in this isolated case. The building and proposed extension would be set back from Sherwood Avenue by ~39 metres and site is off-set from the access and therefore not prominent within the street scene. The portacabin is set to the rear of No. 49 Sherwood Avenue and is heavily screened with existing hedges and trees.

It is therefore considered that whilst the proposed structure is not of a high standard of design, the benefits of improving the existing wider community facility with improved ramped internal access outweighs the small level of identified harm to visual amenity in this case due to its minimal impact in terms of the street scene.

The replacement porch is therefore considered acceptable in relation to the host building and having regard to the fact the site is not highly prominent, the existing development(s) of the site already undertaken and the nature of the proposed use with the addition being read as contributing to the continued community use of the building it is considered the development would have an acceptable impact on visual amenity, due to its location in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

The proposed porch would be located on the front elevation of the building and would be located to the rear of 49 Sherwood Avenue. Due to the use of the extension to the building being single storey in height and lower than the existing building, it is not considered that there would be significant harm caused from overshadowing or by being overbearing. Due to the existing screening in place and the use of the building is not residential in its use, it is not considered that there would be undue harm from overlooking, overshadowing or by being overbearing.

Environmental Health Officer's were formally consulted as part of the application process and the comments received have raised concerns regarding the potential loss of amenity of the occupiers of nearby properties from noise and vibration from the demolition/construction phase of the development. Therefore, as part of the information provided on the decision notice for the application, it is recommended that a note is added which relates to construction working times.

Therefore, subject to the informative note being added to the decision notice, it is considered that the proposed replacement porch is acceptable in terms of residential amenity. It is considered there would be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with policies LP1, LP2 & LP24 of

the Kirklees Local Plan as well as policies within chapter 12 of the National Planning Policy Framework.

4 – 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.

In this case there would be no loss of parking spaces as a result of the development. It is not considered that the replacement porch whilst being significantly larger than the one it would replace would give rise to a significant intensification of the use of the site as a whole.

It is therefore not considered that the proposal would have a detrimental impact on highway safety or off-street parking provision and is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Coal High Risk - The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. The application has been submitted with a Coal Mining Investigation by Rogers Geotechnical (RGS) (Ref: J3341/15/E) (Dated: 01.02.16) has been submitted in support of the application. The report was

commissioned for a previously permitted application (2015/62/90498/W), to establish if shallow coal workings are present beneath the site. The report details an intrusive site investigation based on 3 rotary boreholes. The Report concluded that no voids were encountered and that no coal seams were present within 30m depth beneath the site. As such, and in light of the fact Environmental Health Officers have confirmed and that the report has been reviewed and its findings considered acceptable, it is concluded that subject to a condition being included on the decision notice relating to the reporting of unexpected contamination being encountered during the construction phase the proposal is acceptable in this regard.

6 – Representations:

None

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

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

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2024/91208

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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, LP48, LP51 and LP53 of the Kirklees Local Pla and to accord with Policies within Chapters 2, 4, 8, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. If contamination, the presence of coal and/or evidence of coal workings 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.

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: No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PP-13005164v1		29 th April 2024
Existing elevations and roof plan	GE – Exec – 2		29 th April 2024
Proposed site layout	GE – Exec – 3		29 th April 2024
Proposed elevations and roof plan	GE – Exec – 2		29 th April 2024
Existing and proposed floor plans	GE – Exec – 2		29 th April 2024
Porch Project Statement			29 th April 2024
Coal Mining Investigation	Rogers Geotechnical (RGS) – Ref: J3341/15/E		7 th May 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 19th June 2024

Coal – high

