# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

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| Reference No: | **2024/62/91299/E** |
| Site Address: | Springfield Works, Stocks Lane, Batley, WF17 8PA |
| Description: | Erection of single storey extension |
| Recommending Officer: | Nicole Helliwell |

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 1-DEC-2024

**Officer Report**
**Reference No.** 2024/62/91299E
**Site Address:** Springfield Works, Stocks Lane, Batley, WF17 8PA
**Proposal:** Erection of single storey extension

**Site Description**
The site relates to Springfield Works, an industrial site located off Stocks Lane in Batley. The wider area is characterised by residential, and commercial 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 applicant is seeking planning permission for the erection of a single storey extension to form office space. The details of the proposal are summarised below:
- The extension would fill the gap between the existing building and would project approx. 12.8m from the south-eastern elevation of the property.
- The enlargement would have an overall height of approx. 4m and an eaves height of approx. 3.45m.
- Construction materials – masonry brick for the external walls with horizontally fixed blue micro-rib wall cladding and parapet flashing in blue for the roof.
- Powder coated and double glazed aluminium windows with bi-parting auto doors.

**Relevant Planning History**
- **2015/91048:** Variation condition 2 (approved plans) on previous permission 2013/93110 for erection of single storey extension. – Removal or Modification of Condition(s)
- **2013/93110:** Erection of single storey extension. Planning application details | Kirklees Council – Conditional Full Permission
- **2004/94366:** Erection of lean-to extension. Planning application details | Kirklees Council – Conditional Full Permission
- **98/90246:** Erection of workshop extension. Planning application details | Kirklees Council – Conditional Full Permission
- **90/01716:** Erection of new workshop and offices (modified proposal). Planning application details | Kirklees Council - Conditional Full Permission
- **89/03473**: Erection of workshop and offices. Planning application details | Kirklees Council – Granted Conditionally
- **88/00761:** Erection of extension to form additional office accommodation. Planning application details | Kirklees Council – Granted Conditionally

**Representations**
The application was advertised by neighbour notification letters, which expired on 2nd August 2024. 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):

The Environment Agency – No objection
KC Environmental Health – No objection subject to recommended condition
KC Lead Local Flood 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. The most relevant policies for consideration in this case are:

**Kirklees Local Plan Policies**
- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** – Location of New Development
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 27** - Flood Risk
- **LP 30** - Biodiversity and Geodiversity
- **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) updated 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. 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 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

**<u>Assessment</u>**

**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 LP3 states that development will be permitted where it supports the delivery of employment growth in a sustainable way including the delivery of jobs. Whilst the development proposed may not directly create employment opportunities it will support ongoing operations and therefore would meet Policy LP3 and the NPPF Chapter 6.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety and other matters that may arise.

**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 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."*

Single Storey Extension

The proposed single storey extension would fill the gap between the existing building and would project approx. 12.8m from the south-eastern elevation of the property. The enlargement would have an overall height of approx. 4m and an eaves height of approx. 3.45m. The extension would be predominately faced in masonry brick to match the existing building and would incorporate horizontally fixed blue micro-rib wall cladding within the upper wall. The enlargement would also incorporate a shallow pitched roof finished in blue parapet flashing. Although the extension would have a large scale, it would be of a simple form and would appear subservient in relation to the existing building. Furthermore, the structure would not appear incongruous from public vantage points given the significant scale of the site and its set back 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.

Summary

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 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 west of the site would be affected by the proposed works.

Impact on Flat 1 and 2 Church Steps

Flat 1 and 2 Church Steps are residential properties located south-east of the application site. The proposed development would occupy a position approximately 77m from the neighbouring property. Officers consider that the separation distance retained would be sufficient and would prevent any undue harm to the neighbouring occupants.

Impact on School House

School House is a detached bungalow located south-east of the application site. The proposed single storey extension would occupy a position approximately 80.8m from the rear elevation of the School House. Given 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 development.

Summary

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 proposed extension would not materially intensify the use or affect the existing parking arrangements on site. Therefore, 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 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.

Contaminated Land

The proposed development consists of additional capacity to an existing structure, which will connect directly via doors and window openings. KC Environmental Health have reviewed the submitted Coal Risk Assessment. The report informs that only a small portion of the site lies within a Coal Authority high risk area and concludes that there are no probable unrecorded shallow workings below the site. Officers accept the information, however, a watching brief must be maintained during groundworks. Therefore, KC Environmental have recommended a condition in relation to unexpected contamination.

Ecology

The application form, Statutory Biodiversity Metric and Biodiversity Net Gain Assessment states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Bat Alert

Whilst the site is located in an area identified as being within a ‘bat alert’ layer on the Kirklees Local Plan, in this instance, the nature of the works is considered unlikely to have a detrimental impact on the bat population. However, a footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council’s Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Drainage

The proposed development is partially within Flood Zone 2, however, as the extension is located outside the flood zones on existing hardstanding and there is no proposal to alter the existing drainage, it is deemed that there is no increase in flood risk and the Lead Local Flood Authority have no comments.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors. It is therefore necessary for a footnote to be imposed restricting the hours of operation for the site.

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

## 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 single storey extension at Springfield Works 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**: 2024/91299
**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, LP21, LP22, LP24, LP27, LP30, 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 single storey extension hereby approved shall be faced in masonry brick for the external walls to match the existing building and would feature elements of horizontally fixed blue micro-rib wall cladding (RAL 220 50 15). The roof would also be constructed from parapet flashing in blue (RAL 220 50 15). The materials of construction shall thereafter be retained for the lifetime of the development.

**Reason:** This condition is necessary in the interest 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. 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.

**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:** Please note that any advertisements would require a separate planning permission from the Council and would need to be submitted as a new planning application.

**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:** 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.

**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 |
|---|---|---|---|
| Site Location Plan | 4195/01/001 | - | 27/06/2024 |
| Topographical Survey | 4195/01/002 | - | 27/06/2024 |
| Existing Plan and Elevations | 4195/01/100 | - | 27/06/2024 |

| Plan Type | Reference | Revision | Date Received |
|---|---|---|---|
| Proposed Plan and Elevations | 4195/03/100 | - | 27/06/2024 |
| Proposed Block Plan | 4195/03/101 | - | 27/06/2024 |
| Biodiversity Net Gain Assessment | 1965 | 01 | 27/06/2024 |
| The Statutory Biodiversity Metric | - | - | 27/06/2024 |
| Coal Mining Risk Assessment | 24-394 | - | 27/06/2024 |
| Climate Change Statement | - | - | 27/06/2024 |

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 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: 27/11/2024**