

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS -
REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL
REGULATIONS 1992 (AS AMENDED)**

Reference No: **2024/48/91368/W**

Site Address: Hebden Court, Chesil Bank, Quarmby, Huddersfield,
HD3 4ED

Description: External recladding of the building and installation of
fire suppression sprinkler tank in grounds

Recommending Officer: Liz Chippendale

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: 02-Aug-2024

Hebden Court

Site Description

The residential block of flats is situated in Quarmby, a district within Huddersfield. Access to the site can be achieved by driving through a residential estate leading to Chesil Bank Road. Chesil Bank Road leads to both apartment blocks and is located adjacently from Reinwood Road. The site is surrounded by several residential homes and community buildings as well as green areas with mature trees to the western boundary.

The site is unallocated within the Kirklees Local Plan.

Description of Proposal

The application is sought for the recladding of the existing tower block with an external insulated render cladding with replacement windows and erection of a building to house a sprinkler tank.

The proposed render cladding would be a mix of light grey / sandstone-grey to make up the majority of the proposed cladding system and a charcoal grey to act as a base of the building to the entire ground floor perimeter. The entrance is proposed in a bright yellow. The applicant has requested for a condition to be added for submission of final materials and colours as this may be subject to change at this stage.

The proposed building to house the sprinkler tank would be located on a concrete base to the north west of Buckden Court on an existing area of grass banking.

The proposed building will be a 7m x 8m flat roof design with a height of 2.5m.

The proposed finish would be a render finish to correspond with the adjacent block.

It is noted that there is a further application reference 2024/91367 for the site for the re-cladding of Buckden Court to the south west which also includes the proposed sprinkler system building for completeness.

History of negotiations/amendments received

The applicant entered into the following negotiations/amendments throughout the course of the application:

- Amended existing elevation plans to reflect true representation

Relevant Planning History (including enforcement history)

2024/91367	External recladding of the building and installation of fire suppression sprinkler tank in grounds at Buckden Court Undetermined at the time of writing this report
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2013/90254	Installation of thermal rendering system to existing 6 storey housing block Conditional full permission
2002/93199	Use of grass verge to form 18 no. parking spaces Granted under Reg.3 General Regulations

Representations

The application was advertised via neighbour letter, site notice and press advert.

No representations were received.

Consultation Responses

Statutory:

K C Highways Development Management – *No objection subject to conditions for the submission of details of a construction management plan*

Non-Statutory:

K C Environmental Health – *No objection*

K C Ecology – *No objection*

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Council has adopted supplementary planning guidance on house building which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, with the general thrust of the advice aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). The SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing.

The site is Unallocated land as designated within the Kirklees Local Plan.

Kirklees Local Plan 2019 (LP):

- LP1 – Presumption In favour of sustainable development
- LP 2 – Place Shaping
- LP 3 – Location of new development

- LP 7 – Efficient and effective use of land and buildings
- LP 11 – Housing mix and affordable housing
- LP 20 – Sustainable travel
- LP 21 – Highway Safety and Access
- LP 22 – Parking
- LP 23 – Core Walking and cycling network
- LP 24 – Design
- LP 27 – Flood risk
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 35 – Historic environment
- LP 47 – Healthy, active and safe lifestyles
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality

Supplementary Planning Guidance/Documents

- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Highways Design Guide SPD
- Planning Practice Guidance

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 5 – Delivering a sufficient supply of homes.
- Chapter 8 – Promoting healthy and safe communities.
- Chapter 9 – Promoting sustainable transport.
- Chapter 11 – Making effective use of land
- 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

Summary of Main issues

- The principle of development
- Urban design and the impact on heritage assets
- Residential amenity and quality

- Sustainability and climate change
- Highways and transport
- Representations
- Other matters

Assessment

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.

Local Plan Policy 1 states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

The supporting Design and Access statement explains that after review of high rise buildings, it was found that the external insulated render system of Buckden Court was in a poor condition demonstrating premature degradation. As a result, the existing render system is proposed to be removed in full back to the original 1960's brickwork and be replaced with a new insulated render system and sprinkler system to meet the latest compliance standards in respect of fire performance and durability.

The application site is unallocated within the Kirklees Local Plan. As such Policy LP 24 is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Urban Design issues and impact on heritage assets

Policy LP24 states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local characterwhile

not preventing or discouraging appropriate innovation or change (para.130 of the NPPF).

The proposed building to house the fire suppression sprinkler tank is set to the north west of Buckden court on an area of existing grass banking adjacent to the car park which is an area screened significantly by Buckden Court and mature trees to the north and west. The proposed building is limited in scale with a flat roof at 2.5m in height. The proposed finished will be a rendered cladding to correspond with the proposed adjacent Buckden and Hebden Court.

The proposed materials and design of the re-cladding is not too dissimilar to the existing and so would be considered to have a negligible impact on visual amenity and heritage. The proposed colour palette could be considered acceptable by officers, however, it is considered necessary to confirm full details of the final colour scheme via a pre-commencement condition to minimise any harm to the adjacent heritage asset and visual amenity of the area.

The proposed development is considered to be in compliance with Policy LP24 and LP35 of the Kirklees Local Plan; guidance within the Housebuilders Design Guide SPD and guidance within the NPPF.

Impact on residential amenity

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP 24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

The proposed development would not be considered to impact on the residential amenity of existing residents of Hebden Court or neighbouring dwellings as there are no proposed alterations other than the finish of the building.

The proposed building to house the sprinkler system will be located to the north west of Buckden Court which is a significant distance from Hedben Court and therefore not directly adjacent to any habitable room windows due to the orientation of facing elevations, as such, there are no concerns of overbearing or over shadowing.

In summary, on balance and subject to condition, the residential amenity offered to future residents is considered acceptable. As such, the application is considered to comply with Policies LP1, LP24 of the Kirklees Local Plan, relevant Principles of the SPD and guidance contained within Chapter 12 of the NPPF

Impact on highway safety

The NPPF states that all new development should be assessed in terms of their impact on the existing transport infrastructure, impacts on the safety of users and the impact of encouraging sustainable transport modes. Kirklees Local Plan policy 21 sets out the matters against which new development will be assessed in terms of highway safety.

It is acknowledged that when completed the proposals will have no impact on parking, access, or servicing arrangements, which will remain unchanged. However, it appears that during the construction phase the site compound will be located on part of the car park, displacing some existing car parking, resulting in potential access and amenity issues for residents. To ensure this is undertaken in a safe and controlled manner a condition is requested requiring submission of a Construction Management Plan (CMP). This will be a pre-commencement condition to ensure that the management plan is suitable prior to the start of works on site to minimise any temporary impact on access and parking.

Subject to condition, Officers consider the proposal to be acceptable and in compliance with policies LP21, LP22 and LP24 of The Kirklees Local Plan, Chapter 12 of the NPPF as well as the Highways Design Guide SPD.

Other Matters

Biodiversity

The application is supported by a bat roost suitability assessment which concludes the site as having negligible bat roost suitability with no further surveys recommended. The proposed development is compliant with guidance within Kirklees Local Plan policy LP30.

Contaminated land

The proposal includes a fire suppression sprinkler tank which is to be in the grounds between Buckden Court and Hebden Court, to serve both buildings. There are two historic landfill sites (our site references 285/9, 273/9) located within 250m of this proposal which may have an impact on the development. From the submitted information it appears that ground works will be required as the tank and its housing is to be built on a concrete base. Therefore, Officers recommend a condition for the reporting of any unexpected contamination being encountered during the construction phase.

Public Rights of way

There is a public right of way which runs from North to south to the east of Hebden Court with reference HUD/357/10. Officers consider that the proposed development will have no impact on the public right of way.

Climate Change

On 12/11/2019, 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.

It is not considered that specific mitigation measures are required to facilitate the development. The proposal complies with the improved Building Regulations which specify high requirements for insulation and energy efficiency which would assist in improving the original building's energy efficiency and carbon reduction. The proposal also seeks to repair and update an existing building for modern standards retaining its embodied carbon.

Health and Safety Executive (Fire Safety)

The tower block under consideration is not considered to be a 'relevant building' as described within the PPG guidance 'Fire safety and high-rise residential buildings (from 1 August 2021)' as the building is under 18m in height and has 6 storeys.

As such, Officers have confirmed with Kirklees building control officers whether a formal consultation would be required who confirmed that it is probable that an application for building regulations approval with full plans would be required.

Conclusion

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

The proposal would ensure that the existing residential building meets current safety guidance with regards to fire safety using a cladding design which is considered acceptable within the location with no impact on the adjacent heritage asset.

This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out in the above report, it is considered that the development would constitute sustainable development and the application is therefore recommended for approval

Recommendation – Approve

Recommendation – Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/91368

Officer Recommendation:

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the external envelope of the existing dwellings and associated new sprinkler building hereby approved. The development shall then be completed using the approved materials.

Reason: In the interest of visual amenity and to accord with the aims Policy LP24 and LP35 of the Kirklees Local Plan as well as aims of Chapter 12 of the National Planning Policy Framework and key principles of the Housebuilders Design Guide Supplementary Planning Document. This is a pre-commencement condition to ensure that the materials and colour finish is suitable for the location of the site at an appropriate stage of the development process.

4. Prior to the commencement of development (including ground works), a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes (with swept path analysis testing if necessary);
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Details of parking for construction workers (including vans);

- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to minimise the deposit of mud, grit, and dirt on public highways by vehicles travelling to and from the site;
- Site manager/liaison officer contact details, including details of their remit and responsibilities.

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change there from shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the highway network and to avoid increased risk to highway safety are devised and agreed at an appropriate stage of the development process.

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

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

- 07.30 to 18.30 hours Monday 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.

NOTE: All contaminated land reports shall be completed by a suitably competent person, as defined within 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Hebden Court – Location and site plan	230201-AHR- HEBDEN-SI-DR-A- 10-001	P02	31.05.2024
Existing elevations 1 of 2	230201-AHR- HEBDEN-XX-DR- A-21-001	P02	31.05.2024
Existing elevations 2 of 2	230201-AHR- HEBDEN-XX-DR- A-21-002	P02	31.05.2024
Buckden Court proposed elevations 2 of 2	230201-AHR- HEBDEN-XX-DR- A-21-012	P02	31.05.2024
Proposed elevations 1 of 2	230201-AHR- HEBDEN-XX-DR- A-21-011	P02	31.05.2024
Typical external cladding and window details	230201-AHR- HEBDEN-XX-DR- A-25-001	-	21.05.2024
Proposed roof	230201-AHR- HEBDEN-06-DR-A- 27-001	-	21.05.2024
Proposed site compound water tank	230201-AHR- HEBDEN-SI-DR-A- 90-001	P02	21.05.2024
Existing ground floor strip out works	230201-AHR- HEBDEN-00-DR-A- 20-001	P01	21.05.2024
Proposed builders works to ground floor	230201-AHR- HEBDEN-00-DR-A- 20-011	P01	21.05.2024
Existing first floor strip out works	230201-AHR- HEBDEN-00-DR-A- 20-002	P01	21.05.2024
Proposed builders works to first floor	230201-AHR- HEBDEN-00-DR-A- 20-012	P01	21.05.2024
Existing second floor strip out works	230201-AHR- HEBDEN-00-DR-A- 20-003	P01	21.05.2024
Proposed builders works to second floor	230201-AHR- HEBDEN-00-DR-A- 20-013	P01	21.05.2024

Existing third floor strip out works	230201-AHR-HEBDEN-00-DR-A-20-004	P01	21.05.2024
Proposed builders works to third floor	230201-AHR-HEBDEN-00-DR-A-20-014	P01	21.05.2024
Existing fourth floor strip out works	230201-AHR-HEBDEN-00-DR-A-20-005	P01	21.05.2024
Proposed builders works to fourth floor	230201-AHR-HEBDEN-00-DR-A-20-015	P01	21.05.2024
Existing fifth floor strip out works	230201-AHR-HEBDEN-00-DR-A-20-006	P01	21.05.2024
Proposed builders works to fifth floor	230201-AHR-HEBDEN-00-DR-A-20-016	P01	21.05.2024
Bat Roost Suitability Assessment by Brooks Ecological dated 25.09.2023	ER-7127-01	-	21.05.2024
Design and access statement by AHR dated April 2024	230201-AHR-HEBDEN-XX-RP-A-21-001	P02	21.05.2024
EA Flood map for planning dated 25.04.2024	-	-	21.05.2024

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. During the course of the application, the applicant was requested to submit amended existing plans to show a true reflection of the existing building.

