KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2024/70/91565/E**
Site Address:	adj, 287, Oxford Road, Gomersal, Cleckheaton, BD19 4JP
Description:	Variation condition 2 (plans) on previous permission 2023/90923 for erection of detached dwelling (within a Conservation Area)
Recommending Officer:	Nina Sayers

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: 26-Jul-2024

Officer Report
2023/90923 - adj, 287, Oxford Road, Gomersal, Cleckheaton, BD19 4JP

Site Description
The application site is located on Oxford Road, Gomersal and is situated between the former Gomersal Police Station and Gomersal Public Hall. The latter is a Grade II Listed Building. The surrounding area is a mixture of commercial and residential with the immediate surrounding area consisting of small residential units. The site is also located within the Gomersal Conservation Area.

The application site itself formed part of the Police Station and appeared to be used as parking for this. More recently the site has become overgrown and has been used as a storage area. The Police Station itself has been extended and converted into 4 flats.

Description of Proposal
The application is seeking permission for the variation of condition 2 (plans) on previous permission 2023/90923 for the erection of a detached dwelling (within a Conservation Area). It is noted that the previous application was a re-submission of the previously approved scheme under application 2021/93427. The current application proposes to vary the plans of the previous approval (2023/90923) by adding a hipped roof to the rear protruding element of the dwelling and offsetting the building from the Southern Boundary by 1m. The proposed alterations would also provide additional living accommodation in the roofspace.

History of Negotiations
Officers had significant concerns regarding the increased roof height and the additional massing this would add to the front of the building, as well as concerns regarding the design of the steeply pitched roof. Officer also had concerns regarding the changes to the design of the façade and the removal of architectural detailing, particularly around the doorway. Amended plans were sought and received. As these amendments were deemed insignificant to the overall nature of the proposal, additional publicity was not undertaken.

Relevant Planning History
2023/90923 - Erection of detached dwelling (within a Conservation Area) - Conditional full permission.

2021/93427 - Erection of detached dwelling (within a Conservation Area) - Conditional full permission.

2020/90953 - Erection of detached dwelling (Within a Conservation Area) - Withdrawn.

2014/91082 - Erection of detached dwelling (Within a Conservation Area) - Approved.

2012/93568 - Erection of detached dwelling with detached garage (within a Conservation Area) - Withdrawn.

Representations
The application has been advertised by neighbour notification letters, in the press and by a site notice. Publicity expired on 17th July 2024. No representations were received.

Consultation Responses
KC Conservation and Design – concerns raised. Their comments will be discussed in the principle of development section of this report.

KC Environmental Health were consulted on the previous application. Given they have provided a recent response for a similar scheme, their comments are also considered to be applicable to this application.

Policy
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 but is set within the Gomersal Conservation Area.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land.

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of

the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note

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 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 – Protecting and enhancing the historic environment

Assessment
The following matters are considered in the assessment below –
1. Principle of development
2. Impact on visual amenity and historic character
3. Impact on residential amenity
4. Impact on highway safety
5. Other matters
6. Representations
7. Conclusion

1. Principle of Development, Heritage and Design

Housing Supply
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.

Policy 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’’.

In this case, the application site is unallocated land a residential area. This application is a variation of conditions application to make alterations to the design and setting of the proposed dwelling. The principle of a dwelling on this site has already been assessed and considered acceptable under 2023/90923 (and 2021/93427 previously).

2. Impact on Visual Amenity and Historic Environment

Due to the sites position within the Gomersal Conservation Area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which advises that development should preserve and enhance a conservation area and its setting. Policy LP35 and Chapter 16 of the NPPF is also relevant which seeks to ensure that heritage assets such as conservation areas are protected and enhanced. This is also supported by the Housebuilders Design Guide SPD. There is no appraisal available for the Gomersal Conservation Area, however the town has an extensive and rich history. Gomersal also has many fine and historic houses which climb the hill of Spen Lane and along Oxford Road towards Birkenshaw. The recent redevelopment of the former police station on the adjacent site, by virtue of its high-quality finish, illustrates how high quality design is necessary for development within the Gomersal Conservation Area.

This application is to vary the approved plans under 2023/90923. The proposed changes would include a hipped roof to the rear protruding element of the dwelling and the offsetting of the dwelling by 1m from the southern boundary.

The proposed hipped roof would result in additional massing to the rear and southern elevation of the property. This elevation would be adjacent to Gomersal Public Hall which is a listed building. The proposed development would not protrude past the rear elevation and the roof would remain set down significantly. It is noted that the roof of Gomersal Public Hall steps down towards the rear however this would still be a similar height to the proposed. The location of the proposed hipped roof is such that is not prominent within the street scene or setting of the designated heritage assets. Officer also note that the proposed amended design, whilst still contemporary in terms of openings, is much more traditional and in keeping with the historic character of the area than that previously approved under 2023/90923. As such, whilst the scheme would add bulk to the rear and side of the property it is considered on balance acceptable.

A 1m step-in from the shared boundary with Gomersal Public Hall is a welcomed amendment which would reduce the impact of the proposal on the adjacent listed building. This change is not considered to cause any additional harm over and above what has already been approved.

It is noted the applicant also applied to alter the roof height and remove architectural detailing from the front of the dwelling. KC Conservation and Design were consulted on the proposed amendments and raised significant concerns regarding the additional massing of the raised roof and the harm to the visual amenity of the host building as a result of the steeply pitched roof.

They also raised concerns regarding the harm of the removal of architectural detailing to the front, particularly around the doorway, would have on the historic setting of the site within a conservation area and adjacent to a listed building. Amended plans were sought and received which reduced the roof height similar to that approved under 2023/90923 and amended the design of the façade to as approved.

This is a relatively moderate revision to the previously approved scheme and therefore on balance officers are satisfied that the proposal would not cause harm to the identified heritage value of any of the neighbouring heritage assets. Therefore, consideration of public benefits is not required. For these reasons, in accordance with advice provided from KC Conservation and Design throughout the lifespan of this application and previously approved scheme, the proposal is considered to ensure that the conservation area is protected and enhanced in accordance with Local Plan policy LP24 and LP35, the Housebuilders Design Guide SPD and Chapter 12 and 16 of the NPPF.

3. Impact on Residential Amenity

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: - 'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'. The Key Design Principles of the Housebuilders Design Guide SPD help to implement these policies.

The proposed development would increase the height of the proposed dwelling, particularly to the rear and southern section of the proposal. The southern elevation would still not protrude past the rear elevation of the adjacent public hall. The northern elevation would not align with the neighbouring properties and would still be set at a significant separation distance.

It is noted that additional living space is proposed in the roof space. This would serve two bedrooms which both meet the required floor area under the Nationally Described Space Standards. Whilst it is noted these bedrooms are only served by rooflights, and therefore would not allow for outlook, this is considered acceptable on balance given the additional harm dormer windows would cause to visual amenity and heritage.

Taking this into consideration, along with the reasons outlined in detail in the officers report for 2023/90923, it is considered that this development would not lead to a lower level of amenity to the existing residential units as a whole, thus not constituting any significant material harm. The scheme can therefore be considered to ensure the same level of amenity for neighbouring occupiers as existing in accordance with Local Plan policy LP24, Chapter 12 of the NPPF and the Housebuilders Design Guide SPD. However, in the event that

planning permission is approved, a condition is recommended for boundary treatment details to be submitted to ensure an adequate level of amenity is secured.

The scheme accords with the nationally prescribed space standards. Whilst it is noted the scheme would reduce the outdoor amenity space, given the significant plot, this amenity space is still considered acceptable.
It is noted that KC Environmental Health previously requested a noise assessment report and mitigation scheme in order to assess the impact of the adjacent Public Hall and road on future occupants of the dwelling. This was not required for the previously approved scheme and therefore it is considered unreasonable to condition it in this instance.

Therefore, with regard to the amenity of future occupants, this development is also considered acceptable and in accordance with Local Plan policy LP24, Chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

4. Impact on Highway Safety

The impact on highway safety has been assessed and considered acceptable under the previously approved 2023/90923. The proposal would result in additional bedrooms, however there would be sufficient space retained to park 3 vehicles. No changes are proposed to the parking provision and therefore, for the reasons outlined in the officers report for 2023/90923, the scheme accords with Local Plan policies LP21 and LP22, the NPPF and the Highways Design Guide SPD with regard to highway safety and parking.

5. 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. The proposal is for the erection of a detached dwelling. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the decision notice requiring one electric vehicle charging point to be provided. This is to comply with the aims of policy LP24 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Ecology

The applicant has submitted a bat survey. The site itself is a hardstanding area with little to no ecological value. The bat survey concludes that the proposed development will have no impact on roosting or foraging bats, to

which officers agree. In the bat survey, the applicants states their agreement for the provision of a bat box. The provision of the bat box would clearly represent a ecological net gain as required by Local Plan policy LP30 and Chapter 15 of the NPPF, therefore this shall be conditioned.

6. Representations

No representations were received.

7. Conditions

The below conditions were attached to the previous application's decision notice (2023/90923):

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

The development hereby permitted shall be begun by 09-AUG-2026.

To align with previous permission.

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.

This condition is relevant to this application so shall remain however will align with the amended plans submitted with this Section 73 application.

3. Notwithstanding the submitted details, prior to work commencing on the superstructure of the dwelling hereby approved, full specifications and details of the external materials for the walls (all external masonry shall be natural sandstone; travertine shall not be used) and roof (natural blue slate) of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used to face the dwellings and retained thereafter.

This condition is relevant to this application so shall remain.

4. Before the electrical system is installed, one electric vehicle charging point for charging electric vehicles and other ultra-low emission vehicles shall be installed. The charging point shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space.

Parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

This condition is relevant to this application so shall remain.

5. Prior to occupation of the dwelling hereby approved, details and a plan of the boundary treatment shall be submitted to and approved in writing by the

Local Planning Authority. Boundary treatment shall be erected in complete accordance with the approved scheme and retained thereafter for the lifetime of the development.
This condition is relevant to this application so shall remain.

6. Prior to the first occupation of any new vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas) published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.
This condition is relevant to this application so shall remain.

7. Notwithstanding the plans hereby approved, one bat box shall be provided in either side elevation, set within the gable end or at the first floor level. The bat box shall be of a built in design integrated within the wall cavities. The bat box shall be provided prior to the occupation of the dwelling and be retained thereafter.
This condition is relevant to this application so shall remain.

8. 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: **Conditional Full Permission**
Conditions and Reasons

1. The development hereby permitted shall be begun by 09-AUG-2026.
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, LP22, LP24, LP28, LP30 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted details, prior to work commencing on the superstructure of the dwelling hereby approved, full specifications and details of the external materials for the walls (all external masonry shall be natural

sandstone; travertine shall not be used) and roof (natural blue slate) of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used to face the dwellings and retained thereafter.
Reason: As to ensure the high quality design and finish to the dwelling and protect the visual amenity of the application site and wider area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the Housebuilders Design Guide Supplementary Planning Document.

4. Before the electrical system is installed, one electric vehicle charging point for charging electric vehicles and other ultra-low emission vehicles shall be installed. The charging point shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space.

Parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

5. Prior to occupation of the dwelling hereby approved, details and a plan of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Boundary treatment shall be erected in complete accordance with the approved scheme and retained thereafter for the lifetime of the development.
Reason: In the interests of visual amenity within the Conservation Area setting and to ensure a suitable standard of amenity for neighbouring occupiers, in accordance with Kirklees Local Plan policies LP24 and LP35, Chapters 12 and 16 of the National Planning Policy Framework and the Housebuilders Design Guide Supplementary Planning Document.

6. Prior to the first occupation of any new vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies ‘Guidance on the permeable surfacing of front gardens (parking areas) published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.
Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

7. Notwithstanding the plans hereby approved, one bat box shall be provided in either side elevation, set within the gable end or at the first floor level. The bat box shall be of a built in design integrated within the wall cavities. The bat box shall be provided prior to the occupation of the dwelling and be retained thereafter.
Reason: As to ensure a biodiversity net gain in provided on the site in accordance with Local Plan policy LP30 and Chapter 15 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.

- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification
- Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

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 13.00 hours, 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 may 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 Table:-

Plan Type	Reference	Version	Date Received
Location Plan	LP-01		30/03/2023
Proposed Site Plan	PROJ12-XX-XX-00-DR-A-100	A	31/05/2024

Proposed North Elevations	PROJ12-XX-XX-ZZ-DR-A-201	D	23/07/2024
Proposed South Elevations	PROJ12-XX-XX-ZZ-DR-A-202	E	23/07/2024
Proposed East Elevations	PROJ12-XX-XX-ZZ-DR-A-200	E	23/07/2024
Proposed West Elevations	PROJ12-XX-XX-ZZ-DR-A-204	D	23/07/2024
Proposed Ground Floor Plan	PROJ12-XX-XX-00-DR-A-101	B	31/05/2024
Proposed First Floor Plan	PROJ12-XX-XX-01-DR-A-102	B	31/05/2024
Proposed Second Floor Plan	PROJ12-XX-XX-RF-DR-A-103	B	31/05/2024
Proposed Roof Plans	PROJ12-XX-XX-RF-DR-A-104	C	31/05/2024
Proposed 3D View 3	PROJ12-XX-ZZ-ZZ-DR-A-503	C	31/05/2024
Climate Change Statement			30/03/2023
Ecological Impact Assessment	200672/EcIA		30/03/2023
General	PVCu-Sliding-Sash-Windows-Brochure		30/03/2023
Bat Survey	140735		30/03/2023
Design and Access Statement			30/03/2023
Conservation / Heritage Statement			30/03/2023
Arboricultural Impact Assessment	BS5837:2012		30/03/2023
Knotweed Report			30/03/2023

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 has, 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.

Officers had significant concerns regarding the increased roof height and the additional massing this would add to the front of the building, as well as concerns regarding the design of the steeply pitched roof. Officer also had concerns regarding the changes to the design of the façade and the removal of architectural detailing, particularly around the doorway. Amended plans were sought and received.