

**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:	<b>2024/62/91765/W</b>
Site Address:	Greenhead College, Greenhead Road, Huddersfield, HD1 4ES
Description:	Removal and rebuilding of boundary walls (within a Conservation Area)
Recommending Officer:	Tom Hunt

**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:** 12<sup>th</sup> August 2024

## **Officer Report**

### **Site Description**

2024/91765 – Greenhead College, Greenhead Road, Huddersfield, HD1 4ES

The application site relates to stone boundary walls for a large College Campus complex in Greenhead/ New North Road Conservation Area. The specific sections are adjacent to protected Conservation Area designated trees of varying maturity.

### **Description of Proposal**

Removal and rebuilding of boundary walls (within a Conservation Area)

The application seeks planning permission to remove and to rebuild two sections of an existing boundary wall as existing matching their adjacent sections; facing Park Drive South and Greenhead Road. They are currently considered unsafe being bowed. They would not be built any higher than existing.

### **History of negotiations/amendments received**

None.

### **Relevant Planning History**

There is an extensive planning history on site however no recent applications relate specifically to this type of works proposed.

### **Representations**

We are currently undertaking 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, site notice and press publicity which had a final expiry date of 09/08/2024.

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):

- Conservation & Design – Informal response. Support.
- Trees – Formal response. Support.

### **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 27<sup>th</sup> February 2019).

The site is in the Greenhead/ New North Road Conservation Area on the Kirklees Local Plan.

### **Kirklees Local Plan (LP):**

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 24 – Design
- LP 30 – Biodiversity and Geodiversity
- LP 33 – Trees
- LP 47 – Healthy, active and safe lifestyles
- LP 49 – Educational and health care needs

### **Supplementary Planning Guidance and other considerations**

- Planning (Listed Buildings & Conservation Areas) Act (1990)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 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

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and heritage amenity

- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

## 1 – Principle of development:

### *1.1 Sustainable Development*

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “*good design should be at the core of all proposals in the district*”.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

### *1.2 – Heritage*

The site is located within Greenhead/ New North Road Conservation Area. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states “*development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm*”. This is mirrored in paragraph 208 in Chapter 16 of the NPPF.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

### *1.3 Educational Facility*

The proposal seeks to repair two bowed sections of an existing boundary wall for an educational establishment. As such it would ensure that those sections would be preserved and be safe for public use/access and be therefore

compatible with the aims of LP47 and LP48 of the Kirklees Local Plan and Chapter 8 of the NPPF.

## 2 – Impact on visual amenity:

The proposal would have a neutral impact on the visual amenity of the area and the Conservation Area, while repairing and preserving a historic landscape feature, for future generations.

The Conservation Officer advised to have a condition to match the materials, pointing method and mortar to the existing wall sections either side to ensure that it will blend in visually.

On the basis of the inclusion of a condition requiring the materials / pointing to match it is considered no harm would arise from the development proposal and it would preserve the setting of the Conservation Area. The proposal is therefore regarded as acceptable for permission in this regard as it would not be detrimental to the visual amenity of the area and be acceptable and accord with Policy LP02, LP24 and LP35 of the Local Plan, Chapters 12 and 16 of the NPPF and compatible with the Councils' duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

## 3 – Impact on residential amenity:

The proposed works would not increase the height of the wall nor alter the impacts of the wall to the residential neighbouring properties. The proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan and Chapter 12 of the NPPF.

## 4 – Impact on highway safety:

There would be no impacts to parking. It is noted that the works will repair sections of an existing boundary wall, along a footpath/highway, to make it safe for highway users. Works to take down and repair the walls adjacent to the footway are sufficiently controlled by legislation and regulations so no condition is required to ensure safe and unobstructed access. This would comply with Policies LP21 and 22 of the Kirklees Local Plan and the KC Highway Design Guide SPD.

## 5 – Other matters:

### *Climate Change*

When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

### *Trees and Biodiversity*

The Trees Officer reviewed the submitted Arboricultural Impact Assessment (ref: WC-294.1a) relation to the mature trees nearby protected under the Conservation Area designation.

Trees identified as T002, T003, and T005 shall be removed, subject to planning consent being granted under a pending Tree Works application to be submitted. Six new trees would be planted at the site upon completion of the development suitable for the specific soil type assessed. This would ensure no reduction in tree coverage in the medium-long term.

There is minor potential for disturbance to bats and as such Officers recommend an informative to ensure applicants are appraised of their lawful duties with regards to bats.

Subject to a condition requiring the development to be undertaken in accordance with the recommendations in section (section 5.0) of the Arboricultural Impact Assessment by Woodsage Consulting (ref: WC-294.1a), the proposal would therefore be compatible with LP30 and LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

#### *Coal Risk*

It is noted that the site is within a high coal risk area for development however in this instance given the limited surface works proposed, this can be adequately controlled by an informative according to standing advice on risk from historic coal mining legacy.

#### 6 – Representations:

No representations had been received.

#### 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**

**Application Number:** 2024/91765

**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 to accord with Policies LP01, LP02, LP24, LP30, LP33, LP47 and LP49 of the Kirklees Local Plan, and Policies within Chapters 2, 4, 8, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The materials of construction, method of pointing and type of mortar used in the construction of the development hereby approved shall match in all respects the pointing and mortar of the local existing wall sections.

**Reason:** in the interest of visual amenity and heritage amneity for the setting of Greenhead Park/New North Road Conservation Area and to accord with policies LP24, and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework. .

4. The development shall be carried out in accordance with the recommendations in section (section 5.0) of the Arboricultural Impact Assessment by Woodsage Consulting (ref: WC-294.1a) which shall be retained thereafter.

**Reason:** In the interests of tree protection, preserving the setting of the Greenhead/New North Road Conservation Area and visual amenity to accord with policies LP24, LP33 and LP35 of the Kirklees Local Plan and policies within Chapters 12, 15 and 16 of the National Planning Policy Framework.

**FOOTNOTE:** The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. If bats are discovered on site, development

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	24/1013/01	-	02/07/2024
Existing Block Plan	23/941/02	-	02/07/2024
Existing Elevation and Wall Plans (northwest)	24/1013/04	-	02/07/2024
Existing Elevation and Wall Plans (southeast)	24/1013/03	-	02/07/2024
Proposed Elevation and Wall Plans (northwest)	24/1013/06	-	02/07/2024
Proposed Elevation and Wall Plans (southeast)	24/1013/05	-	02/07/2024
Heritage Impact Assessment	Heritage Impact Assessment by	-	02/07/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
	Paul Matthews Architectural Ltd. Job no. 24/1013. May 2024.		
Supp Info – General	Photo Record	-	02/07/2024
Impact Statement	-	-	02/07/2024
Arboricultural Impact Assessment	Arboricultural Impact Assessment by Woodsage Consulting (ref: WC-294.1a).	-	02/07/2024
Climate Change Statement	-	-	02/07/2024

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. None required for repairs to the boundary wall.

**Report Dated:** 08/08/2024