

**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>2024/62/92341/W</b>
Site Address:	3, Lockwood Scar, Lockwood, Huddersfield, HD4 6BL
Description:	Alterations to dwelling to form 1 flat and 3 bed House in Multiple Occupation (Listed Building)
Recommending Officer:	Katie Chew

**DECISION – CONDITIONAL FULL PERMISSION**

**I hereby authorise the approval/refusal\* (delete as appropriate) 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:** 24<sup>th</sup> April 2025

## **Officer Report**

### **Site Description**

3, Lockwood Scar, Lockwood, Huddersfield, HD4 6BL.

The application site relates to a row of stone-built, three-storey terraced properties fronting the Lockwood Scar/Bridge Street/Woodhead Road junction in Lockwood. The property benefits from amenity spaces to the front and rear, with vehicular access available via a private access track to the west of 1 Lockwood Scar.

The site is not located within a Conservation Area but relates to and is adjacent to Grade II Listed Buildings.

### **Description of Proposal**

The application seeks planning permission for alterations to the existing dwelling to form 1 flat and a 3 bed House in Multiple Occupation (HMO) (Listed Building).

Flat 1 (Ground Floor) – this flat has an internal floorspace of approximately 56sqm, and comprises of 1 double bedroom, en-suite and an open plan kitchen/dining/living room.

In respect of the accommodation relating to the HMO, these are to be located on the first and second floors of the property and would provide 3 bedrooms, all with en-suite facilities and small living areas. Communal space is also provided on the first floor and consists of a dining/kitchen area and bathroom. The overall internal floorspace relating to the HMO equates to circa 108sqm.

The lower-ground floor of the dwelling is to remain as a cellar.

In terms of external alterations, the proposals seek to reinstate internally blocked up openings and replace windows and doors within the property. Historical walls are also to be repaired where possible to their original state.

Vehicular access is to remain as existing via the private access track to the west of 1 Lockwood Scar, with parking provided for 4 vehicles to the rear.

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

Amendments were made to the scheme to remove 1 of the originally proposed flats as this was to be located within the lower-ground floor of the dwelling, and as the site is within a Flood Zone 2 area, a self-contained flat in this location would not be acceptable.

### **Relevant Planning History**

There is no relevant planning history at the application site or at sites adjacent.

A currently pending application seeking listed building consent (ref: 2024/92342) for the development the subject of this application is considered to be of relevance insofar as it considers the scheme in terms of whether listed building consent is acceptable and is referred to, where relevant, in the following report.

### **Consultation Responses**

**KC Highways Development Management** – Comments received 14<sup>th</sup> November 2024. Highways Officers have no objections to the proposals in principle but do request the submission of a revised drawing which shows the car park layout to the rear. The revised drawing must demonstrate that 4 vehicles can access the area, park and turn to leave the site in forward gear. The plan should also show the location and details of the cycle storage. In addition to this, no bin storage areas are shown. A bin collection/presentation point should be located adjacent to the public highway and must not obstruct the adopted highway or the access road.

**Officer note:** Following receipt of the above comments, the applicant's agent sought to submit a proposed block plan showing the provision of 4 off-street parking spaces to the rear of the dwelling, and bin collection and storage points for the dwellings. KC Highways have no objections to the scheme.

**KC LLFA** – Comments received 29<sup>th</sup> September 2024. LLFA objects to the application, as self-contained basement flats should only be considered in Flood Zone 1.

**Officer note:** Following receipt of the above comments, the second flat in the basement of the dwelling has been removed from the scheme.

**KC Conservation & Design** – Comments received 8<sup>th</sup> October 2024. No objections subject to conditions outlined within the associated Listed Building Consent 2024/92342.

### **Parish/Town Council**

N/A.

### **Local Ward Members**

None.

### **Representations**

Final publicity date expires:

Neighbour Letters - Expired 17<sup>th</sup> October 2024.

Site Notice – Expired 17<sup>th</sup> October 2024.

Press Notice – Expired 1<sup>st</sup> November 2024.

No representations have been received to date.

**Officer note:** The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site relating to and being adjacent to Listed Buildings. Whilst it is acknowledged that amended plans were received during the planning process, these sought to reduce the scheme from 2 flats to 1. This reduction was not considered to impact on any third parties and therefore re-consultation was not undertaken on this occasion.

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

The application site is located within the Strategic Green Infrastructure Network, Lockwood Local Centre, Flood Zone 2, Newsome Neighbourhood Area, and a Bat Alert Area. It is also important to note that the host property and adjoining property no. 1 Lockwood Scar are Grade II Listed.

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

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP7 – Efficient and Effective Use of Land and Buildings
- LP11 – Housing mix and affordable housing
- LP15 – Residential uses in the Town Centre
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP27 - Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic Environment
- LP52 – Protecting and Improvement of Environmental Quality

### **National Polices and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in December 2024 (updated February 2025), 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making efficient 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
- Chapter 16 – Conserving and enhancing the historic environment

#### **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Kirklees Climate Change Statement for Planning Applications Template (2021)
- Housebuilders Design Guide Supplementary Planning Document (2021)

#### **Summary of Principal Planning Issues**

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

## **1 - Principle of Development:**

### 1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. 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 – Housing Mix

In this instance, LP11 of the Kirklees Local Plan is also relevant, as the scheme aims to convert an existing vacant residential property to form 1 flat and a 3 bed House in Multiple Occupation. The policy states that: *“all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.”*

Chapter 11 of the NPPF states that planning decisions should promote the development of under-utilised land and buildings, but this must not be at the expense of creating developments that function well and add to the quality of the area as set out in Chapter 12. This view is supported by LP7 of the Kirklees Local Plan.

With regard to the creation of 1 self-contained flat and 3-bedrooms in relation to the HMO, this would see no increase in bedrooms when compared to the existing arrangements at the property. Furthermore, the property is already in residential use, as such the proposal would not see the loss of existing main town centre uses as a result of the development. The proposals are therefore considered to be in accordance with LP7 and LP15 of the Kirklees Local Plan.

In this instance, it is not considered that the proposed development would result in an intensification of use and therefore could be adequately supported by public transport links and given the property's location within Lockwood Local Centre and proximity to Huddersfield Town Centre (approx. 1300m away). It can therefore be considered a sustainable location for new residential development.

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the following assessment.

## **2 - Impact on Visual Amenity and Heritage Assets:**

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”.*

Paragraph 135 of the NPPF is of relevance, in that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...*

*c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details”*

As the application site relates to and adjoins a Grade II Listed Building it is important to assess any potential impact the proposals would have on these heritage assets.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is also mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be*

*permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”.*

Paragraph 212 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*. This is further supported by paragraph 215 of the NPPF which outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

The host property relates to a Grade II Listed Building and adjoins no. 1 Lockwood Scar which is also Grade II Listed. The listing description of these buildings are as follows:

*“LOCKWOOD SCAR 1. 5113 Salford Nos 1 and 3 SE 1315 38/819 II 2. Early or mid C19. Hammer-dressed stone. Ashlar dressings. Pitched stone slate roof. 3 storeys and attics. Modillion eaves cornice. Rusticated quoins. 3 ranges of bipartite sashes in plain raised frames. 2 doors in moulded frames with friezes and moulded cornices. Side elevation has one range of 4-light stone mullioned windows and one range of loading doors, that on 1st floor approached by flight of 12 stone steps. Rear has 2 ranges of 4-light stone mullioned windows, 2nd floor with door reached by wooden ladder.*

*Listing NGR: SE1371815102”.*

3 Lockwood Scar is a Grade II listed, three-storey mid-terraced dwelling with a basement, which dates to the early or mid-19<sup>th</sup> century and constructed in fair-faced hammer dressed stone with heavy quoins, a stone slate roof and large mullioned windows with timber top hung casements on the front elevation, with ranges of smaller mullioned windows on the rear.

The building was previously used as a single dwelling and has been vacant for some time. It has been subject to disrepair and vandalism internally, with many internal finishes damaged. The applicant proposes the subdivision of the building to provide one flat on the ground floor, with a three-bedroom HMO on the first and second floors.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

*“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

As no changes are proposed to the overall scale, design or materials of the host building the above principles are not relevant on this occasion.

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The proposals seek to replace existing windows, with windows which are to retain the existing scale, size, location and design and therefore are considered to be acceptable, subject to the recommended conditions requested by Conservation & Design Officers discussed below.

In this instance, it has been noted that the majority of the works consist of internal alterations with some minor external alterations.

Given the nature of the proposals the Council's Conservation & Design (C&D) team were consulted.

At ground floor level, the ground floor is currently accessed via a side entrance, with the front door leading directly into the front room permanently blocked up. The proposal is to reinstate the front door and subdivide this room to create a hallway leading into a front bedroom with bathroom, and a kitchen/living room in the rear room. The side door will be used to access the first and second floors, and to provide a self-contained unit the existing doorways leading from the front and rear rooms into this entrance hallway are blocked up, with the architraves retained to show locations of the historic openings. Where new openings are formed, new architraves will replicate the existing.

There is an impact on the historic plan form of the ground floor, however C&D Officers feel that the proposed alterations have been justified. To enable the building to have a viable use, it is accepted that some subdivision is required to ensure private access to the basement and ground floor flat, with separate access to the upper floor rooms.

The conversion of the first and second floors into a 3 bed HMO requires minor alterations. Given the lack of surviving internal features on these floors, Conservation & Design Officers accept the proposed alterations.

Externally, the replacement of the existing timber and uPVC windows with new timber windows with slim double-glazed units is proposed, with the replacement of timber and uPVC external doors with timber external doors.

The proposals also seek to demolish the detached garage dates, although as this dates to the late 20<sup>th</sup> century, its demolition is not of concern.

The proposed works are considered to lead to slight (less than substantial) harm to the significance of the building by the subdivision of the space internally, however, there will be an enhancement externally through the replacement of the windows and doors (subject to the approval of details, to be secured via condition). Nonetheless, the harm accrued is considered to be outweighed by the public benefits of refurbishing the listed building which is in disrepair and by bringing it into a viable and sustainable use.

The Conservation and Design Team has no objections to this proposal, subject to conditions which are outlined within the accompanying Listed Building Consent application ref: 2024/92342. These relate to details of internal wall insulation & details of all windows and external doors to be replaced to be approved in writing by the LPA and that Fireplaces and surrounds on both the ground and first floors of the host dwelling are to be retained. Given the requirements of the listed building consent (and fact it is needed for these elements of the scheme) and fact the planning consent could not be implemented without listed building consent for these elements being in place it is not considered necessary for inclusion of these conditions upon any grant of permission in this case.

Officers concur with the above conclusions of the Conservation Team and therefore deem that the proposals accord with the requirements of Policies LP1, LP2 and LP24(a) of the Kirklees Local Plan and Chapter 12 of the NPPF, and principles contained within the Housebuilders Design Guide SPD, as it would not adversely affect the character and appearance of the streetscene. Instead, the development will help to generate the long-term use of the building, which in turn will help assist with the building's long-term conservation. This would accord with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and Section 66 and of the Planning (Listed Buildings and Conservation Areas) Act.

### **3 - Impact on Residential Amenity:**

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

*“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.*

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

With regards to residential amenity, the proposal seeks to convert the existing vacant residential dwelling into 1 flat and a 3 bed House in Multiple Occupation. As such, it can be said that the development is unlikely to significantly intensify the use given the size of the units to be provided. Furthermore, as no changes are proposed to the overall scale and size of the building Officers have no concerns in respect of overshadowing, overlooking, or the proposals appearing overbearing in nature.

#### *Amenity of future occupiers*

Principle 17 of the Council’s adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this instance no changes are proposed to the existing private outdoor space to the front and rear of the dwellinghouse.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. This makes reference to the ‘Nationally Described Space Standards’ document (March 2015). The Council recognises the NDSS as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers; whilst recognising these standards do not form part of a Policy within the adopted Development Plan.

Flat 1 has an internal floorspace of approximately 56sqm, the bedroom has a width greater than the 2.75m as recommended within the NDSS and would provide an internal floor space which would be suitable for a one bedroomed flat for 2 people. Furthermore, given the flats first-floor location suitable head heights could be provided here. In terms of habitable room windows, all habitable rooms have access to at least one window. This flat is therefore deemed to be acceptable.

The HMO would provide 3 bedrooms, all with en-suite facilities and small living areas. Communal space is also provided on the first floor and consists of a dining/kitchen area and bathroom. The overall internal floorspace relating to the HMO equates to circa 108sqm, this would accord with the Nationally Described Space Standards which recommend that a 2 storey 3 bedroomed property for up to 6 occupants should provide a floorspace of at least 102sqm. The bedrooms individually are discussed below in more detail.

Unit 1 measures approximately 3.1m in width, has an acceptable head height given its first-floor location, and has access to 2 windows on the southern elevation (front) of the dwellinghouse. This bedroom is deemed to be acceptable.

Unit 2 measures approximately 5.6m in width, however given its second-floor location, head height is limited to 2.3m or more for approximately 60% of the unit. Whilst this does fall short of the recommendations within the NDSS, given the large width and floorspace of the unit and that it also has access to communal space on the first floor, Officers consider the accommodation to be acceptable on this occasion. The unit also has access to 5 windows on the northern elevation (rear) of the dwellinghouse. This bedroom is on balance, deemed to be acceptable.

Unit 3 measures approximately 5.4m in width, however, as above, given its second-floor location, head height is limited to 2.3m or more for approximately 65% of the unit. Whilst this does fall short of the recommendations within the NDSS, given the large width and floorspace of the unit and that it also has access to communal space on the first floor, Officers consider the accommodation to be acceptable on this occasion. The unit also has access to 3 windows on the southern elevation (front) of the dwellinghouse. This bedroom is on balance, deemed to be acceptable.

Whilst no changes are shown to be made to the existing front and rear amenity spaces, it is anticipated that this would remain as a shared amenity space for all users of the dwelling. Nevertheless, the site is in close proximity to Lockwood Park, Lockwood Village Green, Spa Wood and Primrose Hill Cricket Club & Recreation Ground. Therefore it is considered that the future occupiers of the dwelling would have suitable access to outdoor space.

In conclusion, taking the above into account it is considered that the proposals would not have a detrimental impact upon the amenity of the occupiers of neighbouring properties, or of the proposed flat/HMO, complying with Policy

LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, as well as Chapter 12 of the National Planning Policy Framework and Principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

#### **4 - Impact on Highway Safety:**

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 116 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Vehicular access is to be taken via the existing private drive to the west of no. 1 Lockwood Scar, to the rear of the dwelling 4 off-street car parking spaces are shown, with sufficient access provided to allow turning within the site. The existing garage is to be demolished to enable these works.

In respect of bin storage and waste collection, a bin presentation point is shown to the front of the existing vehicular access to the west, and this is as existing. A bin storage area for 6 bins is shown to the rear of the amenity space, within the car parking area.

Given the nature of the proposals the Council's Highways Officers were consulted, they raised no objections to the proposals and therefore the scheme is deemed to be acceptable following confirmation being provided in relation to car park layout, cycle storage and bin storage / presentation points (shown on plan 24/1023/05a).

Taking the above into consideration, it is concluded that the scheme would not represent any significant harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

#### **5 - Other Matters:**

##### Flood Risk/Drainage

The site is located within Flood Zones 2 and 3 on the Environment Agency's Flood Risk Map for Planning (land assessed as having between a 1% and

0.1% annual probability of fluvial flooding or between a 0.5% and 0.1% annual probability of tidal flooding in any year) or (land assessed, ignoring the presence of flood defences, as having a 1% greater annual probability of fluvial flooding or a 0.5% or greater annual probability of tidal flooding in any year).

Policies LP27 and LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Paragraph 170 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site-specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments.

A Flood Risk Assessment has been submitted by the applicant which outlines that the proposed works are all internal, with no new floor area/extensions being created, and that the dwelling is private and of a domestic nature, and currently unoccupied. Furthermore, no groundworks are required bar the nominal foul drainage connection within the covered drive through to the side of the property. There will also be no new low level electrical sockets or wiring below 450mm above the finished floor levels of the property.

Whilst the original proposal did seek to provide lower ground floor dwellings that could be deemed 'basement dwellings' which are classified as being highly vulnerable within the flood risk vulnerability classification table (available to view here:- <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-FloodRisk-Vulnerability-Classification>). Following objections received from KC LLFA given the sites location within a Flood Zone 2 area, this lower ground floor dwelling was removed from the scheme.

In terms of drainage arrangements, foul sewage is to be disposed of to the mains sewer as existing and given the scale of the proposals, and that it would not increase the built footprint of the building this is deemed to be acceptable.

Taking the above assessment into consideration, the proposals are considered to be acceptable in respect of Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 18 of the NPPF.

### Biodiversity

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which

protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD states that proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.

The application site is located within a Bat Alert Area, however, as no changes are proposed externally to the roof it is considered unlikely that roosting bats would be disturbed during construction works. Although it is considered reasonable to include an informative which highlights what to do if roosting bats are found, should planning permission be granted.

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 2nd April 2024 (for minor and other applications) is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024, as the development is for a conversion of an existing building and would not impact on a priority habitat and impacts less than 25sqm of non-priority onsite habitat or 5m for non-priority onsite linear habitats. Therefore, there is no requirement for BNG to be provided in respect of the aforementioned legislation.

### Climate Change

On 12<sup>th</sup> 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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions

by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The application is supported by a Climate Change Statement, this statement outlines that insulation to the internal surface of the external walls and slimline double-glazed units are to be installed within the property. Local trades will also be used where possible, and all proposed materials are to be recyclable. A cycle rack is proposed to be installed within the rear garden/amenity space to encourage sustainable travel by the future occupiers, alongside the provision of smart energy metering, LED lighting and a manually controlled heating system with booster override to reduce consumption and waste.

Given the above and considering the nature of the proposed development, it is considered reasonable to not request the submission of any further information in respect of the Council's climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the housebuilders design guide SPD and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

## **6 – 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 proposed development would constitute sustainable development and is therefore recommended for approval.

## **Recommendation:**

Approve.

Decision Authorisation – Delegated Powers

Application Number: 2024/92341

Officer Recommendation: Approve.

## **Conditions and Reasons**

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

**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

- The development hereby permitted shall be carried out in 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, LP7, LP11, LP15, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP31, LP35 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If Bats are found, then contact Natural England.

**Plans and specifications schedule:-**

Plan Type	Reference	Version	Date Received
Location Plan	24/1023/01	-	23 <sup>rd</sup> August 2024
Existing Block Plan	24/1023/02	-	23 <sup>rd</sup> August 2024
General Arrangement as Existing	24/1023/03	-	23 <sup>rd</sup> August 2024
General Arrangement as Proposed	24/1023/04	F	22nd April 2025
Proposed Block Plan	24/1023/05	A	22nd April 2025
Climate Change Statement – Supporting Information	24/1023	-	23 <sup>rd</sup> August 2024
Flood Risk Appraisal – Supporting Information	24/1023		10 <sup>th</sup> September 2024
Heritage Impact Assessment/Planning Statement – Supporting	24/1023	-	23 <sup>rd</sup> August 2024

Information			
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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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were made to the scheme to remove 1 of the originally proposed flats as this was to be located within the lower-ground floor of the dwelling, and as the site is within a Flood Zone 2 area, a self-contained flat in this location would not be acceptable.

Report Dated:

22<sup>nd</sup> April 2025.