

**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>2024/62/92376/W</b>                                                 |
| Site Address:         | Squash Section, Lockwood Park, Brewery Drive,<br>Huddersfield, HD4 6EN |
| Description:          | Installation of new windows and replacement doors                      |
| Recommending Officer: | Joanna Rednall                                                         |

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 25 October 2024

## **The Site**

The application site relates to a two-storey building, constructed from stone that internally functions as a squash club in conjunction with the Huddersfield rugby club.

The building, located within a wider sports complex, is surrounded by other buildings adjoining a KAL health and fitness club to the north-west elevation. Opposite the application site is a bowling green. A Grade II Listed building is also located within the wider site complex, to the south-west adjoining the KAL health and fitness club. In the distance the site can be seen with the backdrop of the imposing Grade II listed Lockwood viaduct.

The site is Unallocated in the Kirklees Local Plan.

## **The Proposal**

The application is seeking planning permission for installation of new windows and replacement doors.

The development is proposed to be constructed to the north-east elevation of the building, to facilitate external access to and from the building.

5 new windows are proposed and the existing entrance door would be replaced with an aluminium door and frame. The windows would be white UPVC with stone sills to match existing features on the building. Internally, the windows and doors would serve a reception room and two pilates studios.

## **Planning History**

There is no planning history for the site which is considered relevant to the current proposal.

## **History of Negotiations**

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

## **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired: 8<sup>th</sup> October 2024

No representations were received as a result of the publicity.

## **Consultations**

No statutory consultations were requested for this application.

## **Allocation & Policies**

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

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

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP24 Design
- LP27 Flooding
- LP31 Strategic Green Infrastructure Network
- LP35 Historic Environment

### **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 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

### Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

#### **1 – Principle of development:**

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. 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.*

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”.

In this case, the principle of development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

## **2 – Impact on character and appearance of the area**

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The proposed replacement door and additional windows are considered to have an acceptable impact upon visual amenity. It would update the arrangements providing a clear access from the exterior parking areas to the indoor reception and pilates studio. The additional windows would appropriately harmonise with the existing building, constructed from white UPVC with stone sills to match the existing details on the host. In addition, the proposed alterations are considered to be an improvement to the existing building, this is because the additional openings and entrance would create an active frontage that appears sympathetic to the original building.

The development is small in scale and would be situated approximately 60+ metres from the Grade II Listed Building and is screened by the main body of the Lockwood Park Health and Fitness Club. For these reasons, it can be concluded that the proposed works will harmonise with the architectural style of the host building and existing features. It is therefore considered that in terms of visual amenity, the proposed would comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

## **3 – Impact on residential amenity:**

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”

The impact of the development on each of the surrounding buildings has been assessed and it has been concluded that the installation of new windows and replacement doors will cause no detriment to the residential amenity of any neighbours with regard to overbearing, overshadowing or privacy. This is because the development would mainly face a car park and the bowling green to the north. However, at a separation distance of 23+ metres to the bowling green, it is not considered to raise concerns with regard to overlooking / privacy.

It is therefore considered the installation of new windows and replacement doors would have an acceptable impact upon residential amenity and therefore complies with Policy LP24 from the Kirklees Local Plan.

#### **4 – Impact on highway safety:**

The proposed developments to the application site will cause no detriment to highway safety as the Installation of new windows and replacement doors would result in no alterations to the existing parking arrangements at the site and access to and from the property in conjunction with the adjoining highway will remain the same.

Therefore, for these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

#### **5 – Other matters:**

##### *Ecology*

Chapter 15 of the National Planning Policy Framework are 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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the

applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

### *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 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

### *Strategic Green Infrastructure Network (SGIN)*

The site is within the Strategic Green Infrastructure Network where Policy LP31 applies. This seeks to safeguard and enhance the network and the range of functions they provide. In this case the development proposal would not impact on the function or connectivity of green infrastructure networks. The proposal is solely for Installation of new windows and replacement doors and the substantial green areas around the site would be unaffected.

### *Flood risk*

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.

It has been acknowledged that the application site is located within flood zone 2 and 3 on the Council's GIS system and is therefore within an area identified as having an increased chance of flooding. The development proposed is classed as a minor extension and is not required to undertake a site-specific flood risk assessment and instead can follow the Environment Agencies

standing advice. In this case the applicable standing advice would be that floor levels remain no lower than those of the existing building, that would be the case with regard to the proposed development. The proposal is therefore concluded to be acceptable having regard to the fact the site is within flood zone 2 and taking account of the policies within chapter 14 of the NPPF

## **6 – Representations:**

None 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 Powers**

**Application Number: 2024/92376**

**Officer Recommendation: Approve**

## **Conditions**

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 (as amended).

1. 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, LP21, LP24, LP27, LP31 & LP35 of the Kirklees Local Plan, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to 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 discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

| Plan Type                       | Reference | Version | Date Received |
|---------------------------------|-----------|---------|---------------|
| Location Plan                   | -         | -       | 28/08/2024    |
| Site/ block plan                | -         | -       | 28/08/2024    |
| Plans as Existing               | 24.010    | 01      | 28/08/2024    |
| Plans as Proposed               | 24.010    | 02      | 28/08/2024    |
| Frontage as Existing & Proposed | 24.010    | 03      | 28/08/2024    |
| Application form                | -         | -       | 28/08/2024    |
| Climate Change Statement        | -         | -       | 02/09/2024    |

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

09/10/2024

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