

**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:	2024/62/92477/E
Site Address:	1, Cambridge Street, Batley, WF17 5JH
Description:	Change of use and alterations to lower ground floor storage to extend nursery facilities (class E(f)) (within a Conservation Area)
Recommending Officer:	Edward Cheseldine

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: 03 December 2024

Officer Report

2024/92477 - 1, Cambridge Street, Batley, WF17 5JH

Site Description

1 Cambridge Street is a two-storey detached building in Batley. It is present on the 1890 OS maps held by the Council. The building is formed of dressed ashlar stone exterior walls with a cross-pitched roof clad in stone slates. The building has characterful features including prominent gable-ends and ornate windows, amongst other features. The building rest on a cornerplot, within the Batley Conservation Area, between Cambridge Street and Wellington Street. There is a grade II listed building set adjacent to the application building. The surrounding streets predominantly contain commercial and public buildings.

Application Proposal

The applicant is seeking a change of use and alterations to lower ground floor storage to extend nursery facilities (class E(f)) (within a Conservation Area).

A window will be installed on the east facing elevation of the building. It will be a double pane window with stone lintels and cills to extend the appearance and symmetry of the window above.

Negotiations/Amendments

An amended window design was requested, so that the appearance of the window was in harmony with the ornate window details situated above on the first-floor level above. The placement of the vent was also requested.

Relevant Planning History

2002/93674 – Change of use from church to children’s day nursery – Full permission granted.

Public Representations

The application was advertised by neighbour notification letters, a site notice and press advertisement.

Neighbourhood notification letter expiry: 08-Nov-2024

Site notice expiry: 08-Nov-2024

Press advertisement expiry: 07-Nov-2024

As a result of the publicity, there were no representations.

Consultation Responses

KC Conservation & Design – No objection to the principle of a new window and vent

KC Environmental Health – No comment

KC Highways DM – No objections

Policy & Legislation

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).

The site is located within the Batley Market Place Conservation Area on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Parking

- LP 22 – Highway Safety
- LP 24 – Design
- LP 35 – Historic environment
- LP 48 - Community facilities and services
- LP 49 - Educational and health care needs

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, and 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 12 – Achieving well-designed places 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

Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment

- 1) Principle of Development
 - a) *Educational/Community Facility*
- b) Historic Environment
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

Principle of development:

Educational/Community Facility

The site is a nursery facility which has community and educational benefits. LP48 outlines that proposals will be supported for development that protects, retains or enhances provision of existing community spaces, the thrust of which is also stated in LP49. The benefits of a change of use to an existing nursery are weighed against the other national and local policies that reflect the presumption in favour of sustainable development contained in the NPPF.

The applicant has stated the change of use will accommodate an extra 8 nursery spaces. The benefits of which will be assessed against national and local policies, including impact on the historic environment, visual and residential amenity, impact to highways and environmental matters.

Historic Environment

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

The application is for a modest window, nevertheless, the application building is situated in a prominent position in respect of public vantage points of the conservation area. The south elevation is particularly present from views along Wellington Street.

The window will be placed below the existing window. The window above features a 1:1 central column which the proposed window will replicate. It will have a natural stone lintel and cill which will be conditioned in order to preserve the appearance of the conservation area and building.

Paragraph 205 of the NPPF states that:

“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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 207 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The proposed window would remove historic fabric from a building which is present on the 1890 OS map, whilst introducing a new feature. The application is an extension of the existing use of the building, which is a nursery. The benefits of additional nursery places by making the room habitable to include window openings is considered to be a greater weight than the slight harm from introducing one window opening and a small vent.

Policy LP1 of the KLP 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 NPPF. In terms of extending and making alterations to a property, Policy LP24 & LP35 of the KLP are relevant, and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity.

Impact on Visual Amenity

Policy LP 24 of the Kirklees Local Plan states, 'Proposals should promote good design by ensuring the details of all development respects and enhances the character of the townscape and heritage assets.

Policy LP 35 of the Kirklees Local Plan states, 'proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The placement and appearance of the window is sympathetic to the historic environment of the conservation area. Due to the alterations to the design of the window, it will appear symmetrical to the existing fenestration placement. Notwithstanding the above, the application has not been accompanied by window elevations plans. It will be conditioned that the glazing type, materials, profiles, colour, opening configuration and mechanisms, and depth within the reveals are identified on plans and approved in writing by the local planning authority in order to ensure a satisfactory appearance. They should in all respect match the central column of the window above, with an internal section sufficient to accommodate slim double glazing. External extractor vent details shall also be submitted and approved in writing by the local planning authority in order to comply with LP24 & LP35.

Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 b), which sets out that proposals should promote good design by, amongst

other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The window will not have a direct view towards any neighbouring residential buildings, therefore there will not be an impact to residential amenity.

Impact on Highway Safety

Paragraph 115 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.”

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The proposal is for a change of use from a storage area to become part of the wider nursery. The number of children present on site will increase from 52 to 60 due to the extension of functionable space. Whilst it is recognised there will be a material increase in footfall and therefore vehicle use, the number of children, is not considered to be over what would be considered unacceptable in this instance.

Local streets are protected by waiting restrictions, and public parking is available within easy walking distance. Given the site’s position in a recognised centre, the proposals do not have any highway implications and are considered acceptable to KC Highways Development Management.

Given the increase in the number of trips generated, the application accords with LP21 of the Kirklees Local Plan.

Environmental Matters

Carbon Budget

The proposal is a small scale development to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Conclusion

This application for a change of use at 1 Cambridge Street, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm to the historic environment, visual and residential amenity, highway safety and environmental matters, the proposed works are considered to be acceptable.

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.

As set out above, 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: - 2024/92477

Officer Recommendation: Grant Permission

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.

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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 Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted plans and information, details of all proposed windows (1:20 elevations and 1:5 joinery details) shall be submitted to and approved in writing by the Local Planning Authority before their installation commences. Submitted information shall include glazing type, materials, profiles, colour, opening configuration and mechanisms, and depth within the reveals. Double glazed units shall be slim in section (4:8:4) with black spacers. Friction hinges, egress hinges and visible trickle vents shall not be permitted. The development shall be completed in accordance with the approved details and thereafter retained.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP24 & LP35 of the Kirklees Local Plan, as well as Chapter 12 & 16 of the National Planning Policy Framework.

4. Notwithstanding the details provided, all windows shall match the existing joinery details in terms of material, profiles, detailing, dimensions and colour, albeit with timber beading in place of putty beads and an increase in the internal section sufficient to accommodate slim double glazing. All slim double-glazed units shall have 4mm glass with an 8mm gap with black spacer bars.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to

accord with Policy LP24 & LP35 of the Kirklees Local Plan, as well as Chapter 12 & 16 of the National Planning Policy Framework.

5. No works to install external extractor vents shall take place until full details have been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with the approved details and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP24 & LP35 of the Kirklees Local Plan, as well as Chapter 12 & 16 of the National Planning Policy Framework.

6. All new stonework including, heads, sills, and window surrounds, shall be constructed of natural stone.

Reason: In the interests of protecting the historic environment and visual amenity of the area, in accordance with the requirements of Policy LP24 & LP35 of the Kirklees Local Plan, Chapters 12 & 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	-	-	02 September 2024
Existing grouped plans	AR-02	-	02 September 2024
Proposed grouped plans	AR-03 (Rev 02)	Rev 02	27 November 2024
Conservation / heritage assessment	-	-	02 September 2024
Climate change statement	-	-	02 September 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority 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.

An amended window design was requested, so that the appearance of the window was in harmony with the ornate window details situated above on the first-floor level above. The placement of the vent was also requested.