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:	**2024/62/92598/W**
Site Address:	rear of, 35, Peel Street, Marsden, Huddersfield, HD7 6BW
Description:	Demolition of building and erection of self-build dwelling and garage (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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: 5th February 2025

Officer Report.

Reference: 2024/92598

Location: rear of, 35, Peel Street, Marsden, Huddersfield, HD7 6BW

Proposal: Demolition of building and erection of self-build dwelling and garage (within a Conservation Area)

Site Description.

This building relates to the existing building identified as The Barn, located within Marsden Conservation Area. It has been stated within the Design and Access Statement that the current use of The Barn is storage.

Existing Building and Site:

The building is a detached, single storey, side gale pitch roof building which is constructed of exposed brick, partially faced with blown render and timber shiplap (to the southwest elevation) and with a tiled roof. It has a barn style timber double door and standard door with blocked up window to the southwest elevation and windows to its northwest elevation. The northeast elevation is blank featured, and the southeast elevation has three blocked up windows. To northeast roof elevation, there are a row of skylights. The existing barn is 6 metres in height, approximately 11.7 metres wide and 8.9 metres deep.

The site itself is bounded by a stone boundary wall around its irregularly shaped, lawned, outside space; it has an additional timber fence partially on top of the stone wall adjacent to the private access road area (approx. in excess of 2m height from ground overall).

Immediate Setting (Access and Neighbours):

The building is at the end of a narrow, unadopted and shared access road off Peel Street. Sharing the access road, to the north of the road is Shakespeare Inn, a Public House and residential flat associated with the use, and to the south of the road is a mixed-use café/wellbeing studio (sui-generis use). To the south of the site, it a Grade II Listed building, Ingfield House, which contains flats and has a garage/outbuilding abutting its curtilage. To the east, is a residential dwellinghouse: 1 Parkfield, Manchester Road.

Wider Setting:

The site is outside, but bordering the Marsden District Centre, within the Conservation Area and in proximity to a Listed Building (Ingfield House). The site is within the Strategic Green Infrastructure Network, a bat alert area and adjacent to the building and the beer garden to the north are mature trees which are protected by the Conservation Area designation.

Description of Proposal.
Planning permission is sought for the demolition of the existing building and the erection of a self-build dwelling and garage.

The dwelling will have the following dimensions:

- Width (front & rear elevations) – 13 metres
- Depth (side elevations) – 7.2 metres
- Maximum height – 6.5 metres (1.5 stories)

The total floor area of the dwelling measures at approx 110m^2.

The external walls of the dwelling are to be faced in stone with the roof to be infilled with slate tiles.

To the front elevation, fenestration detailing will consist of full height glazing, a main entrance door, glazed doors and a conservation rooflight. Windows are proposed to one side elevation (north) and rooflights are proposed to the rear elevation. The submitted Climate Change Statement sets out that all of the windows and doors will be triple glazed.

The submitted floor plans show a kitchen / dining room, living space / home office, plant and bathroom to the ground floor, and a bedroom and en-suite bathroom in the roof accommodation.

The site would be accessed via a shared access lane from Peel Street. The applicants propose upgrading the surface materials of the full length of the access road. Gritstone cobbles will be installed to the full length of the access road.

Off-street parking and secure bike storage will be accommodated with a single storey garage. The garage will have a footprint of 27m^2 and a maximum height 2.7 metres. The garage will be faced in render.

The enclosed private garden area is 45m^2. Timber screening and a private gate will be installed at the access of the garden area. The Design and Access Statement sets out that 1.8-metre-high acoustic fencing will be erected to the garden.

A yard area is proposed to the northern side of the dwelling. The bin store will be located within this yard area. Timber gates will be erected to the front of the yard area.

The submitted Climate Change Statement sets out that a dedicated space has been created for both the internal and external units required for an air source heat pump.

History of Negotiations / Amendments Received.

In response to the consultation from KC Lead Local Flood Authority, the planning agent / applicant submitted additional information regarding the presence of a piped watercourse. Upon the submission of this information, KC Lead Local Flood Authority were re-consulted, their response is set out within the following section of this report.

In response to the informal consultation from KC Conservation & Design, amended plans were submitted. These amended plans made the following revisions:

- Removed the timber cladding from the doors to the living space and replaced with full height glazing and a glazed door. The head has been replaced with a slightly recessed stone detail. Retained some slim fins to provide some screening for the internal spaces from the adjacent uses.

With regard to the Conservation and Design informal consultation, the planning agent / applicant also set out the following via email communication:

- Considered the alteration to the kitchen glazing to bi-fold doors, however, not able to make this change due to the impact this would have on the structural integrity of the building, its energy performance and privacy for the occupiers. This section of the elevation is within a private garden.

Given the nature of the negotiations / amendments set out above, it was not considered necessary in this instance to re-advertise the application. This is on the basis that the description of the proposal and principle of development remained the same.

Relevant Planning History.

No relevant planning history at the application site.

Neighbouring the application site:

- 2021/92776 – Change of use to garage / workshop to form mixed use yoga studio/tea room/workshop. *Granted Conditional Full Permission.*

Representations.

The application was advertised via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 25th October 2024.

In response to publicity, 20 supporting comments were received, and one general comment was received. These representations raised the following comments:

Visual Amenity / Heritage Significance:

- The current property location is borderline derelict of no notable historical significance. This building for a family home presents an opportunity to introduce more well placed, thematically correct housing into Marsden. The use of local materials in-line with surrounding buildings will ensure the building fits nicely and will not negatively impact its surroundings.

- It will enhance the local area and conservation area compared to existing.

- The planned development will enhance this aspect of the centre of Marsden.

- The current building is scruffy and unused. The proposed plans outline a great improvement. The design will complement the existing buildings and conserve the character of the area.

- The plans are respectful of the character of the area. The existing building which the self-build will replace is currently not used and is in a state of disrepair.

- The proposal has been sensitively designed to avoid any adverse impacts on the conservation area.

- The current building is in disrepair and has been for some time, believe these plans will make it more aesthetically pleasing for people walking past, although the visibility of it from the street is minimal. The centre of the village is a complete mix of residential and commercial properties, most flats above the shops being residential dwellings.

- The development sensitively considers the local setting and character through its design and material choice and would clearly be a considerable improvement on the existing situation.

- Great care in measuring the impacts on Marsden and its character, using building materials that complement the village.

- By using locally appropriate building materials, sure the appearance will be in keeping with the character of existing local housing.

- The property is going to be constructed using local materials.

- Clear attention has been paid to ensuring the new build will embrace Marden's unique character.

- The existing site / structure is in a poor dilapidated condition, impacting negatively on the site and surrounding conservation area. The

proposals will make a positive improvement to the site, surrounding properties and also when viewed from Peel Street.

- Materials and finishes have been carefully selected given full regard to conservation area – the proposals are a visual improvement to the site and are a positive contribution to the conservation area.

- This property will look so discreet at the back of two front businesses and will be barely visible from anyone.

Brownfield / Sustainable Location:

- Conservation of green belt land is incredibly important to Marsden, and using a brownfield plot that is currently underutilised to introduce further housing is a win/win for both local economy and local nature.

- It provides local homes for local people on brownfield land.

- On a brownfield site (which is currently a bit of an eyesore).

- On a brownfield site in a sustainable location with excellent access to shops, services and public transport.

- The development is an exemplary use of brownfield land within Marsden and is exactly the kind of development that should be promoted in the town.

- This is an excellent proposal to incorporate sustainable architecture on a brownfield site, in a way that's in keeping with the existing character of Marsden.

- The property in question is currently an old barn in disrepair on a brownfield site. Therefore, by approving this plan, the property would serve a meaningful purpose without damaging the environment and conserving the Greenland that Marsden is known for.

- The use of a brownfield site in a mixed-use area is fantastic, in line with the current government's approach of brownfield-first housebuilding.

- Building this house will make great use of a brownfield site and also replace an old barn which has become dilapidated over time and is now a potential safety hazard.

- It would be great to see this disused brownfield site put to good use. At a time when we need more houses, this is a golden opportunity to build a highly functional, long-term home without sacrificing green space.

- The proposals are in a sustainable location. Shops, services and public transport can all be accessed by foot from the site.

- The proposals contribute to the delivery of housing supply, making an efficient and appropriate use of a semi-derelict brownfield site without compromising the environment.

Residential Amenity:

- Although next to a pub, lots of people live next to pubs and this is not an issue according to the documents.

- Through a number of surveys, ensured that there won't be any issues regarding noise or privacy for their potential neighbours.

- Clear attention has been paid to ensuring the new building will cause minimal disruption to neighbours.

- Noise and privacy concerns have been thoroughly addressed, and the location next to a pub is not a significant issue, as many people, live comfortably near pubs without any problems.

- Potential sources of nuisance have been considered fully as part of the design, to ensure the proposals do not impact the privacy of neighbours, but also to ensure that noise and odour are not an issue for future residents.

- If the building is to be demolished, and a change of use to a residential property granted, hope the height of the new building would remain the same as the current building. Extending the building would be overbearing for neighbouring properties and gardens and would overshadow, reduce light and darken the outlook of the neighbouring houses.

Self-Build:

- It is good to see an application for a self-build residential property in Marsden, widening opportunities outside of the larger estates/groups of properties being built.

- The proposal would provide a much-needed residential self-build property.

Climate Change:

- It is apparent through the documentation available that this property is designed with the ecological future of our planet in mind.

- Contributes to the UK's response to fight against the climate crisis.

- Creating an eco-house.

- Turning a run-down building into an attractive and “green” residence.

- Having read the application, I am impressed with the consideration taken over environmental impact.

- The plans are environmentally well thought out.

- Would have a reduced carbon impact by virtue of the conversion of the building.

- Great change in measuring the impacts on the environment.

- It’s great to see an environmentally conscious design, looking to use an air source heat pump instead of gas for heating which should hopefully lead to a much lower energy usage than a standard new build.
- The design of the property has been planned with great consideration for the environment.

- Clear attention has been paid to sustainability.

- The design has been carefully, well thought through, given full regard to sensitive environmental receptors to ensure all potential impacts are mitigated as part of the design.

- The proposals are of a high quality unique and sustainable design, that considers energy use and minimises carbon.

Accessibility:

- The designs for this home centre accessibility.

- The new building looks like, due to its precise location in the centre of the village, will be fully accessible and have access to the shops.

Plans:

- Garages are not shown on any of the submitted plans and the land is described as a ‘car park’ and there is no mention of potential impact from demolition and construction.

Consultation Responses.

KC Lead Local Flood Authority (formal) – satisfied that a survey has taken place, and the watercourse is present but is outside the footprint of the new build. Therefore, no objection.

KC Highways Development Management (formal) – given that this proposal utilises an existing access from Peel Street and that sufficient off-street

parking is proposed with internal vehicle turning, Highways Development Management have no objection to these proposals.

KC Conservation & Design (informal) – The proposed development is going to impact the character of the Marsden Conservation Ares and equally the setting of the Grade II Ingfield House. We are not entirely convinced that the proposals would preserve or enhance the character and setting. We do consider that there does need to be a planning balance.

We may be able to support the principle of development. There is existing development in this location, so this would not be an entirely new development. We consider that the reuse of the existing building would be the better approach and would be supported in terms of sustainability and climate change policy and would be making use of the existing footprint. However as stated, there is existing development. We are however mindful of potential precedents that such development would set and what the impacts would be on the Marsden Conservation Area and the setting of the Listed Building to the south of the site.

We consider that while there is a balance, there are details which need amending:

- Window on side south elevation to be omitted. To be replaced with roof light on rear roof plane.
- Additional amendments below.

Following the comments of the Conservation Team being provided, amendments were submitted. This is discussed in further detail in the 'Assessment' section of this report.

KC Environmental Health (formal) – No objection subject to conditions, advising the following:

Contaminated Land: accept the submitted document and recommend a condition in relation to unexpected contamination.

Noise: accept the submitted acoustic report. Recommend a condition to ensure the recommendations within the report are implemented to ensure there is no loss of amenity to the occupiers.

Odours: the submitted report concludes "Based the findings of the Field Odour Surveys and the Risk Assessment, the maximum odour effect significance at the development as a result of emissions from the identified sources is predicted to be slight." Thus, no mitigation is required at the proposed development, accept the report.

Construction Noise: can give rise to loss of amenity to neighbouring noise sensitive receptors.

Planning 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 27/02/2019).

The site is within the Marsden Conservation Area and a Strategic Green Infrastructure Network as identified within the Kirklees Local Plan. The site also falls within an area with a known presence of Bats.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- 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
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- Highways Design Guide (2019)
- Housebuilders Design Guide (2021)

Other Guidance Documents:

- Biodiversity Net Gain Technical Advice Note (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, 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 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective 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

Assessment.

1) **Principle of Development**

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, this means that for decision making *"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The application site measures ~330.31m^2 and seeks outline permission for one dwelling. One dwelling is considered to be appropriate in this instance, given the location, setting and size of the site. More than one dwelling on the site would likely result in undue impacts visually, spatially, to the residential amenity of both future and neighbouring occupiers and with regard to highway safety.

The site is considered to be located within a sustainable location, located just outside the boundaries of Marsden District Centre. Several bus stops are located within close proximity to the site.

Therefore, in relation to density of development and supply of housing, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

A more detailed assessment of the proposal's design and its impact on the surrounding environment is undertaken below.

2) Impact on Visual Amenity and Historic Environment

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the

policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affect 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.

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 adaptions 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 8 sets out that proposals should *"demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings."*

Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

Sections 66 and 72 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.

Due to the site's location within the Marsden Conservation Area and in close proximity to the Grade II Listed building of Ingfield, Paragraph 205 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset's conservation any aspect of the proposal.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan 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."*

As part of this application a Design & Access Statement was submitted which sets out the following with regard to heritage impacts:

- Apart from its slate roof, the materials of the existing building are not in-keeping with the *"homogenous vernacular stone architecture"* (Ibid.: I) of the Marsden Conservation Area. There is an opportunity to replace the brick and render with materials which are more in-keeping and durable.
- The hard landscaping of the access road is currently poor-quality tarmac. There is an opportunity to improve the quality of this surface using a material more in keeping with the gritstone cobbles and flagstones characteristic of the conservation area.

- The existing context is made up of a collection of pitched roof forms of varying heights and levels. The neighbouring Grade II Listed building Ingfield House is a series of pitched roof volumes stepping down in height.

- The existing back land plots and gardens surrounding the site also contain single storey garage and storage structures. These single storey structures are distinct from the stone built historic buildings on the street frontages and are clearly back land development servient to the older buildings.

- The Heritage Appraisal completed by SLR Consulting Ltd states that the existing building has no heritage significance and is a detracting feature within the Marsden Conservation Area. The site's contributions to the significance of the Conservation Area are negative.

- The location is concealed from Peel Street, meaning it has no negative impact on the Conservation Area.

- The materials have been chosen in reference to the material character of the Marsden Conservation Area which is characterised by local gritstone and slate roofs.

- The primary view of the proposed dwelling within the Conservation Area is from Peel Street. The opening that will e visible from this view have therefore been detailed in a way that will reference the historic industrial/commercial use of the building, rather than indicative residential development.

The submitted Planning Statement sets out the following with regard to heritage impacts:

- The proposal has been designed to evoke a light industrial feel, rather than residential.

- The materials respect the wider setting of the Marsden Conservation Area.

- The pattern of different massing's suggests a collection of associated light industrial buildings, while the roofscape has been carefully considered to reflect the lines already present in the immediate vicinity. The eaves and roofline of the tallest part of the building match up with the barn's counterpart, representing a modest increase in height of 1 metre from the existing barn, and retaining a subordinate relation with The Shakespeare.

- The view from Peel Street looking down the access road has been considered; the building footprint has been shifted south, which reduced the volume of development visible from the road, therefore refusing it's impact.

- The proposed garage is the same approximate height as the existing boundary fence, set to the side of the access road and therefore

invisible from Peel Street. It is proposed to have a green roof to improve visual amenity from above for residents in Ingfield House.

As part of the assessment and determination of this planning application, an informal consultation was undertaken with KC Conservation & Design. The full informal response from KC Conservation & Design is set out within the above 'Consultation Responses' section of this report.

As a result of the informal consultation with KC Conservation & Design, amended plans were submitted, to remove the timber cladding from the doors to the living space and replace with full height glazing and a glazed door. The head was replaced with slightly recessed stone detail and some slim fins were retained to provide some screening.

Furthermore, the planning agent / applicant provided the following justification in response to the informal consultation from KC Conservation & Design '*not able to change kitchen glazing to bi-fold doors as would impact on structural integrity of the building, its energy performance and privacy for the occupiers. This section of the elevation is within a private garden'*. Officers accept the justifications put forward by the planning agent / applicant with regard to the glazing to serve the kitchen.

The proposed dwelling is to be significantly set back from the fronting highway of Peel Street, by approximately 30 metres, with the detached garage to also be significantly set back, by approximately 22 metres. In addition, both the built form of the dwelling and detached garage are to be set behind the existing building of No. 35 Peel Street. As such, given the position of the proposed dwelling, it is considered that it would appropriately accord with Principle 5 of the Housebuilders Design Guide SPD.

The proposed dwelling, and detached garage, are considered to maintain sufficient space between the neighbouring buildings, in accordance with Principle 6 of the Housebuilders Design Guide SPD. The proposed built forms will maintain a minimum separation distance of approximately 6 metres from the nearest neighbouring building, No. 35 Peel Street.

A street elevation plan has been submitted with this application, showing the ridge height of the proposed dwelling to be the same as the fronting building of No. 35 Peel Street. This street elevation plan also demonstrates the significantly set down ridge height of the proposed dwelling in comparison to the neighbouring buildings to both sides of the site, including The Shakespear Inn and Ingfield. A smaller single storey volume, containing the main living space, reduced the massing next to the neighbouring gardens.

The street elevation plan demonstrates that the proposed detached garage would be mitigated from view by the presence of the building of No. 35 Peel Street.

The roof form of the proposed dwelling is a pitched gable roof. Whilst proposed to be higher than the existing building to be replaced, the dwelling

will resemble to same roof form as existing on ‘The Barn’. The surrounding built form around the site is made up of a collection of roofing forms.

Therefore, for reasons of the building heights and roof forms at the site, the proposal is considered to accord with Principles 8 and 15 of the Housebuilders Design Guide SPD.

The proposals include a slate finish for the pitched roofs and gritstone with simple coursing to the external walls. These materials are considered to be reflective of the local vernacular. These materials will be secured via condition upon any grant of approval. With the inclusion of such a condition, the application is considered to appropriately accord with Principle 13 of the Housebuilders Design Guide SPD.

A render finish will be used for the walls of the single storey garage. Whilst render is not characteristic of the area, given the size / scale and siting of the garage, the detached structure will be mitigated from visibility from public vantage points along the highway of Peel Street. Upon any grant of approval, a condition shall be imposed to ensure that the colour of the render match the appearance of the external walls of the dwelling, specifically, the gritstone with simple coursing to be used. With the inclusion of this condition, the proposal is considered to comply with Principle 13 of the Housebuilders Design Guide SPD.

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

Most of the proposed fenestration to the principal elevation will be mitigated from view, given the presence of No. 35 Peel Street to the site’s frontage. The only element of glazing which will be visible, has been designed in a way that references the commercial unit to the front of the site. As a result of negotiations and amendments, following an informal consultation response from KC Conservation & Design, it is considered that the design of this element of fenestration detailing is acceptable visually.

The Design & Access Statement includes justifications for the position of the front access door, hidden from view by the presence of building No. 35 Peel Street. The justifications set out that the Housebuilders Design Guide SPD guidance has been not followed in this case with regard to front access doors because the proposal as submitted better reflects the current site arrangement as the proposed dwelling is not part of a main street frontage. The front door has been concealed to give privacy to the entrance and the dwelling. Officers accept the justifications put forward by the planning agent / applicant with regard to the glazing to serve the kitchen.

It is noted that roof lighting is also proposed, with the submitted details setting out that conservation rooflights will be used. The use of conservation rooflights will be secured by condition upon any grant of approval.

With regard to landscaping, the application proposes upgrading the surface materials of the full length of the access road. The submitted Design & Access Statement sets out that gritstone cobbles will be installed to the full length of the access road. It is considered that gritstone cobbles would appropriately reflect the character of the area. Upon any grant of permission, a condition shall be imposed to ensure that the use of gritstone cobbles complies with hard surfacing standards with regard to permeability.

The proposals will accommodate one off-street parking space that is provided in the garage. This is considered to appropriately accord with the spatial guidance for parking provisions as set out in the Housebuilders Design Guide SPD from a visual amenity perspective.

Based on the submitted details, boundary treatments at the site will consist of timber fencing and a stone wall around the storage yard and timber screening and a private gate at the access of the garden area. The Design and Access Statement sets out that 1.8-metre-high acoustic fencing will be erected to the garden. Upon any grant of approval, a condition shall be imposed to secure the boundary treatments as detailed within the submitted documents, not to exceed 1.8 metres in height and to be of a timber construction. The Design & Access Statement sets out that the private amenity space will have soft and hard landscaping.

Given the details set out in the submitted plans it is considered unnecessary to require conditions relating to landscaping / finished floor levels in this case as such details are provided and are considered to be acceptable.

As such, with the inclusion of the aforementioned conditions, it is considered that the proposal would appropriately accord with Policies LP11, LP24 and LP35 of the Kirklees Local Plan, Principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 16 of the NPPF.

3) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for 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 Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- 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-metre distance from the side wall of the new dwelling to a shared boundary.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

Shakespeare Public House:

The proposed dwelling will retain a separation distance of approximately 2.85 metres from the shared boundary with the beer garden to the rear of the Public House and an even greater separation distance from the building itself, over 6 metres. It is noted that the structure of the detached garage will retain a separation distance of over 6 metres from the Public House building and from its beer garden.

The proposed yard area is located closest to the shared boundary with the beer garden serving the Shakespeare Public House. Fencing and a stone wall are proposed around the yard area. Upon any grant of approval, a condition is to be included to ensure that boundary treatments are installed at the site as specified within the submitted documentation and thereafter retained.

Given the above, with the inclusion of the aforementioned condition regarding boundary treatments, it is not considered that the proposal would result in any undue impacts of overbearing or overshadowing towards the Shakespeare Public House.

No glazing to the proposed dwelling will be directly adjacent to the building of the Shakespeare Public House, and therefore, the windows to the new dwelling are not considered to result in any undue impacts of overlooking towards the Public House building itself.

To the side elevation of the dwelling, adjacent to the beer garden serving the Shakespeare Public House, two ground floor windows are proposed and two first floor windows are proposed.

It is considered that the fencing proposed around the yard would provide screening between the ground floor windows of the new dwelling and the beer garden. This will be secured by condition upon any grant of approval.

Given that the beer garden is not a habitable space, the first floor windows are not considered to result in a detriment to privacy.

No. 35 Peel Street:

The proposed dwelling will retain a separation distance of approximately 13 metres from the rear elevation of No. 35 Peel Street and the detached garage structure will retain a separation distance of approximately 5.5 metres from this elevation.

The only form of fenestration present to the rear elevation of No. 35 Peel Street is two access doors, one at ground floor level and one serving the mezzanine floor level.

Given the separation distances set out above, and the layout of fenestration to the adjacent rear elevation of No. 35 Peel Street, it is concluded that the proposals for a new dwelling would not result in undue impacts of overbearing, overshadowing or overlooking towards this neighbouring building.

Ingfield:

The proposed dwelling would retain a separation distance of approximately 3.5 metres from the closest garden boundary of Ingfield.

I.8-metre-high fencing is proposed to be installed around the garden area of the new dwelling. Upon any grant of approval, a condition shall be imposed to ensure that this fencing is erected as specified within the submitted documentation, specifically that it be 1.8 metres in height.

With the inclusion of the aforementioned condition regarding boundary treatments, it is not considered that the proposed dwellinghouse would result in undue impacts of overbearing, overshadowing or overlooking towards Ingfield or the garden areas serving it.

The proposed detached garage would be sited up to the shared garden boundary with Ingfield.

Page 21 of the submitted Design & Access Statement states the following: *"The site topography and height of the existing stone walls and boundary fences between the site and neighbouring gardens presents an opportunity to insert the garage required for off-street parking, without having an overbearing impact on the neighbouring gardens of Ingfield House. The increase in height of this boundary is kept to a minimum."*

Page 22 of the Design & Access Statement goes further to state: *"A 3D study has been carried out to ensure the insertion of the garage will not have an overbearing or overshadowing impact on the private gardens of dwellings within Ingfield House"* and *"The garage is to be located directly north to north east of these gardens so there is no overshadowing impact as a result of the increase in height."*

The drawing on page 22 of the Design & Access Statement demonstrates that the detached garage would exceed the height of the garden boundary fence by approximately 0.5 metres. In addition, the submitted drawing titled 'Proposed Section CC' (Dwg No. H2336-HEM-00-ZZ-DR-A-00112) also demonstrates the same.

Given the above, on balance, it is not considered that the proposed detached garage would result in undue impacts of overbearing or overshadowing towards the garden areas that serve Ingfield.

No glazing is proposed to face towards Ingfield as part of the development and 1.8-metre-high fencing is proposed to be erected around the proposed garden amenity space. Therefore, with the inclusion of a condition to secure boundary treatments, the proposal is not considered to detriment Ingfield in terms of privacy and / or impacts of overlooking.

Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."*

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed dwelling has an internal floor area of approximately 110m^2. This is compliant with the Nationally Described Space Standards minimum gross internal floor area of one-bedroom dwellings.

The proposal includes an area of private outdoor amenity space, measuring approximately 37m^3. The extent of garden proposed to serve the dwelling is considered to be adequate, given that it is to have one bedroom internally.

In terms of noise, the proposed development is near to an existing school, licensed and commercial premises, therefore, noise could impact on future occupiers of the site. An Acoustic Report by Paul Horsley Acoustics has been submitted dated 23 May 2023 Ref J3190. Section 4 of this report outlines the location of the neighbouring noise generating premises. The report states noise associated with the use of the beer garden is audible during opening times only and that children using the playground are audible during external activity periods only.

Upon formal consultation, KC Environmental Health confirmed that they accept the submitted acoustic report. KC Environmental Health officers recommend a condition upon any grant of approval, to ensure the recommendations within the report are implemented to ensure there is no loss of amenity to the occupiers.

In support of the application a comprehensive odour assessment has been undertaken by Redmore Environmental, dated the 30th of October 2024. The methodology of the report follows appropriate guidance, field investigations have been undertaken at multiple locations and times, an assessment of meteorological data and the effect on odour transmission has been undertaken. The report concludes: *"Based the findings of the Field Odour Surveys and the Risk Assessment, the maximum odour effect significance at the development as a result of emissions from the identified sources is predicted to be slight."*

Given the above, upon formal consultation with KC Environmental Health, officers concluded that no mitigation is required in relation to odour for the proposed development as the report is accepted.

In conclusion, with the inclusion of the aforementioned conditions, the impact of residential development to the rear of 35 Peel Street would be acceptable from a residential amenity perspective.

4) Impact on 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.

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.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management. The Highways Officer made the following comments:

This application seeks approval to the demolition of a building and the erection of a self-build dwelling and garage (within a Conservation Area) at land to the rear of, 35 Peel Street, Marsden, Huddersfield.

Access to the site is from Peel Street in the centre of Marsden between Sass Coffee House and the Shakespeare Public House.

The proposal is for a one bedroomed dwelling with a detached single garage and a further parking space to northwest side of the proposed dwelling. The plans show sufficient space for internal vehicle turning allowing a vehicle to enter and existing the site in a forward gear.

Given that this proposal utilises an existing access from Peel Street and that sufficient off-street parking is proposed with vehicle turning, Highways Development Management have no objection to these proposals.

Having regard to the response of the highways team, it is considered that the proposals are acceptable with regard to vehicle access, turning and parking arrangements.

With regard to bin storage, this is proposed to be within the yard area.

The submitted Design & Access Statement includes details that the access road will be re-surfaced in gritstone cobbles. Upon any grant of approval, a condition shall be included to ensure any new areas of hard standing are permeable. This is for reasons of securing appropriate drainage at the site.

With the inclusion of the aforementioned condition, taking account of the nature of the scheme, proposed layout and reasons of the KC Highways Development Management team, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5) Other Matters

Air Quality:

Policy LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the NPPF seek to ensure that new development does not result, directly or indirectly, in an increase in air pollution.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition.

Foul Sewage:

Policy 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.

Given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

Ecology / 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 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The application site is located within an area with a known presence of bats.

Officers note the submission of a Preliminary Ecological Appraisal Report and Bat Roost Potential Assessment as part of the application. These documents demonstrate that the proposed dwelling is acceptable with regards to impacts to biodiversity / ecology, with the inclusion of a condition to ensure the provision of a bat box upon any grant of approval, as well as a condition to ensure that the general avoidance measures as specified within the submitted Preliminary Ecological Appraisal Report be incorporated.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

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 self-build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation. This exemption is listed in the submitted application form as being applicable.

Subject to condition the proposal is considered to be acceptable in this regard, and accord with the aforementioned policies.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The application form sets out that no trees or hedges will be removed as part of the proposal. As such, the scheme is not considered to have a significant impact upon the strategic green infrastructure network and is concluded to be acceptable in this regard.

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 application's, 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.

As part of the application, a Climate Change Statement has been submitted. The submitted Climate Change Statement set out the following:

- The performance design target for the building is to comfortably meet the AECB Building Standard, using the Passivhaus principles.

- The AECB Building Standard is a self-certied standard that aims to reduce energy use over a typical new-build UK house by around 70%. AECB uses the same methodology as Passivhaus and is about getting the building fabric right to minimise energy use before looking to additional “green” measures.

- The design development has involved testing the heat loss form factor of the dwelling. The nal massing has been chosen to reduce the heat loss form factor, this means minimising the complexity of the form and ratio of external wall to internal footprint. This lower ratio means the low-energy targets will be achievable within footprint and the client’s budget.

- The proposed plans have been drawn allowing for suitable wall build-ups to achieve high levels of insulation. The fabric of the building will be designed to achieve low air permeability, further reducing the heat loss of the building.

- All windows and doors will be triple glazed.

- The ventilation strategy will be to use mechanical ventilation with heat recovery. This further reduces the heat demand of the dwelling by recovering heat usually lost via ventilation. An additional benet of this strategy, is the ability to maintain ltered, excellent internal air quality without the need to open windows. This means there is no effect inside relating to the uses of the surrounding buildings. Mechanical Ventilation with Heat Recovery was also a recommendation of the Noise Impact Assessment to achieve suitable internal noise levels.

- A dedicated space has been created for both the internal and external units required for an air source heat pump, meaning no gas will need to be installed to the property.

Given the above, in this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change. Officers note that, as well as the details within the submitted Climate Change Statement, the dwelling would have to be constructed to modern building standards.

Contaminated Land:

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.
In support of the application a LCRM report: Stage 1 Risk Assessment, titled Land to Rear Of 35 Peel Street, Project Ref: GUK-0923-03 by Groundsmiths Geotechnical Engineers has been submitted.

KC Environmental Have reviewed this report and accepted the submitted document. Upon formal consultation, KC Environmental Health officers recommended the inclusion of a condition in relation to unexpected contamination upon any grant of approval.

Piped Watercourse:

A piped watercourse is shown on the Council's historical records, underneath the site.

Upon initial consultation, KC Lead Local Flood Authority concluded that an investigation would be required to determine the presence, location, depth, size and condition of the piped watercourse.

Following the submission of the requested information, KC Lead Local Flood Authority were re-consulted, concluding that they were satisfied that a survey had taken place, and that, whilst the watercourse is present, it is outside the footprint of the new build.

6) Representations

In response to publicity, 20 supporting comments were received, and one general comment was received. The representations are set out below, accompanied with an officer response.

Visual Amenity / Heritage Significance:

- The current property location is borderline derelict of no notable historical significance. This building for a family home presents an opportunity to introduce more well placed, thematically correct housing into Marsden. The use of local materials in-line with surrounding buildings will ensure the building fits nicely and will not negatively impact its surroundings.

- It will enhance the local area and conservation area compared to existing.

- The planned development will enhance this aspect of the centre of Marsden.

- The current building is scruffy and unused. The proposed plans outline a great improvement. The design will complement the existing buildings and conserve the character of the area.

- The plans are respectful of the character of the area. The existing building which the self-build will replace is currently not used and is in a state of disrepair.

- The proposal has been sensitively designed to avoid any adverse impacts on the conservation area.

- The current building is in disrepair and has been for some time, believe these plans will make it more aesthetically pleasing for people walking past, although the visibility of it from the street is minimal. The centre of the village is a complete mix of residential and commercial properties, most flats above the shops being residential dwellings.

- The development sensitively considers the local setting and character through its design and material choice and would clearly be a considerable improvement on the existing situation.

- Great care in measuring the impacts on Marsden and its character, using building materials that complement the village.

- By using locally appropriate building materials, sure the appearance will be in keeping with the character of existing local housing.

- The property is going to be constructed using local materials.

- Clear attention has been paid to ensuring the new build will embrace Marden's unique character.

- The existing site / structure is in a poor dilapidated condition, impacting negatively on the site and surrounding conservation area. The proposals will make a positive improvement to the site, surrounding properties and also when viewed from Peel Street.

- Materials and finishes have been carefully selected given full regard to conservation area – the proposals are a visual improvement to the site and are a positive contribution to the conservation area.

- This property will look so discreet at the back of two front businesses and will be barely visible from anyone.

Officer Response: *All of the comments regarding visual amenity and / or heritage significance have been noted. A full assessment of the proposal's impacts towards visual amenity and heritage significance has been undertaken within Assessment section 2 of this officer's report, titled 'Impact on Visual Amenity and Historic Environment'. This section concluded that, with the inclusion of some conditions, the proposal would appropriately accord with Policies LP11, LP24 and LP35 of the Kirklees Local Plan, Principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 16 of the NPPF.*

Brownfield / Sustainable Location:

- Conservation of green belt land is incredibly important to Marsden, and using a brownfield plot that is currently underutilized to introduce further housing is a win/win for both local economy and local nature.

- It provides local homes for local people on brownfield land.

- On a brownfield site (which is currently a bit of an eyesore).

- On a brownfield site in a sustainable location with excellent access to shops, services and public transport.

- The development is an exemplary use of brownfield land within Marsden and is exactly the kind of development that should be promoted in the town.

- This is an excellent proposal to incorporate sustainable architecture on a brownfield site, in a way that's in keeping with the existing character of Marsden.

- The property in question is currently an old barn in disrepair on a brownfield site. Therefore, by approving this plan, the property would serve a meaningful purpose without damaging the environment and conserving the Greenland that Marsden is known for.

- The use of a brownfield site in a mixed-use area is fantastic, in line with the current government's approach of brownfield-first housebuilding.

- Building this house will make great use of a brownfield site and also replace an old barn which has become dilapidated over time and is now a potential safety hazard.

- It would be great to see this disused brownfield site put to good use. At a time when we need more houses, this is a golden opportunity to build a highly functional, long-term home without sacrificing green space.

- The proposals are in a sustainable location. Shops, services and public transport can all be accessed by foot from the site.

- The proposals contribute to the delivery of housing supply, making an efficient and appropriate use of a semi-derelict brownfield site without compromising the environment.

Officer Response: *All of the comments regarding the brownfield / sustainable location of the site have been noted. The principle of development at the application site is assessed within Assessment section 1 of this officer's report, titled 'Principle of Development'. This section of the report concluded that the principle of development residential development at the application site is acceptable, subject to other material considerations.*

Residential Amenity:

- Although next to a pub, lots of people live next to pubs and this is not an issue according to the documents.

- Through a number of surveys, ensured that there won't be any issues regarding noise or privacy for their potential neighbours.

- Clear attention has been paid to ensuring the new building will cause minimal disruption to neighbours.

- Noise and privacy concerns have been thoroughly addressed, and the location next to a pub is not a significant issue, as many people, live comfortably near pubs without any problems.

- Potential sources of nuisance have been considered fully as part of the design, to ensure the proposals do not impact the privacy of neighbours, but also to ensure that noise and odour are not an issue for future residents.

- If the building is to be demolished, and a change of use to a residential property granted, hope the height of the new building would remain the same as the current building. Extending the building would be overbearing for neighbouring properties and gardens and would overshadow, reduce light and darken the outlook of the neighbouring houses.

Officer Response: *All of the comments regarding residential amenity have been noted. The impacts of the development against residential amenity are assessed within Assessment section 3 of this officer's report, titled 'Impacts on Residential Amenity'. This section concluded that, with the inclusion of some conditions, the proposal would appropriately accord with both local and national policies relating to residential amenity, as well as relevant Principles from the Council's adopted Housebuilders Design Guide SPD.*

Self-Build:

- It is good to see an application for a self-build residential property in Marsden, widening opportunities outside of the larger estates/groups of properties being built.

- The proposal would provide a much-needed residential self-build property.

Officer Response: *Officers note that the application seeks permission for a self-build dwelling.*

Climate Change:

- It is apparent through the documentation available that this property is designed with the ecological future of our planet in mind.

- Contributes to the UK's response to fight against the climate crisis.

- Creating an eco-house.

- Turning a run-down building into an attractive and "green" residence.

- Having read the application, I am impressed with the consideration taken over environmental impact.

- The plans are environmentally well thought out.

- Would have a reduced carbon impact by virtue of the conversion of the building.

- Great change in measuring the impacts on the environment.

- It's great to see an environmentally conscious design, looking to use an air source heat pump instead of gas for heating which should hopefully lead to a much lower energy usage than a standard new build.
- The design of the property has been planned with great consideration for the environment.

- Clear attention has been paid to sustainability.

- The design has been carefully, well thought through, given full regard to sensitive environmental receptors to ensure all potential impacts are mitigated as part of the design.

- The proposals are of a high quality unique and sustainable design, that considers energy use and minimises carbon.

Officer Response: *All of the comments regarding Climate Change have been noted. An in-depth assessment of the application in relation to Climate Change has been undertaken with Assessment section 5 of this officer's report, 'Other Matters', sub-section 'Climate Change'. This section of the report concluded that the resultant residential development would have an acceptable impact on Climate Change. Officers note that, as well as the details within the submitted Climate Change Statement, the dwelling would have to be constructed to modern building standards.*

Accessibility:

- The designs for this home centre accessibility.

- The new building looks like, due to its precise location in the centre of the village, will be fully accessible and have access to the shops.

Officer Response: *The comments relating to accessibility have been noted.*

Plans:

- Garages are not shown on any of the submitted plans and the land is described as a 'car park' and there is no mention of potential impact from demolition and construction.

Officer Response: *The garages to the rear of the site are shown on the revised plans.*

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 is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation: Delegated Powers
Application Number: 2024/92598
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 51 of the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP31, LP35, LP51, LP52 & LP53 of the Kirklees Local Plan, Key Design Principles 2, 5, 6, 12, 13, 14, 15 16, 17, 18 &19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 11, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. The external walls of the dwellinghouse hereby approved shall be constructed from gritstone with simple coursing and the pitched roofs shall be constructed with a slate finish. These materials shall thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The detached garage structure hereby approved shall be constructed from render, of a colour finish to match the appearance of the gritstone to the external walls of the dwellinghouse. The detached garage shall have a green roof. These materials shall thereafter be retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. The rooflights to the front and rear elevations of the pitched roofs shall be conservation style rooflights which shall be retained thereafter.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

6. Prior to first occupation of the dwellinghouse hereby approved the 1.8-metre-high acoustic fencing around the garden amenity space, 2-metre-high timber screening and entrance gate to garden and 1.8-metre-high stone walls and timber fencing to the yard shall be completed and thereafter retained.
Reason: In the interests of visual and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

7. The dwellinghouse hereby approved shall not be brought into use until all new areas of hard surfacing to be used for vehicles and pedestrians have been laid out with a hardened, sealed and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order). Should permeable or porous surfacing be intended to be used, the dwellinghouse shall not be occupied until a scheme detailing the intended surfacing to areas for vehicles and pedestrians has been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall thereafter be retained and maintained.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and

LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. Before the development is first brought into use all works specified the submitted acoustic report authored by Paul Horsley Acoustics (ref J3190-R1) (or works to an equivalent/higher level) shall be completed and thereafter retained.
   Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

   Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. The dwelling hereby approved shall not be occupied until one bat box has been incorporated. The box shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light and at least 3 metres above ground. Once installed, the bat box shall thereafter be retained.
    Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 12 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

11. The development hereby approved shall be undertaken in accordance with the measures set out at paragraph 4.2.3 of the submitted Preliminary Ecological Appraisal Report dated December 2023.

    Reason: To protect the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 12 of the Council's adopted House Extensions and Alterations Supplementary Planning Document.

12. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.
    Reason: To ensure the installation of an air source heat pump does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Contaminated Land
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Construction Site Working Times
No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act

1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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
Existing Ground Floor Plan	H2336-HEM-00-ZZ-DR-A-00003	P4	17.09.2024
Existing Section AA	H2336-HEM-00-ZZ-DR-A-00010	P3	17.09.2024
Existing Section BB	H2336-HEM-00-ZZ-DR-A-00011	P3	17.09.2024
Existing Street Elevation	H2336-HEM-00-ZZ-DR-A-00020	P3	17.09.2024
Existing Front [West] Elevation	H2336-HEM-00-ZZ-DR-A-00021	P3	17.09.2024
Existing Side [North] Elevation	H2336-HEM-00-ZZ-DR-A-00022	P3	17.09.2024
Existing Rear & Side Elevations	H2336-HEM-00-ZZ-DR-A-00023	P3	17.09.2024
Demolition Plan	H2336-HEM-00-ZZ-DR-A-00004	P1	17.09.2024
Site Location Plan	H2336-HEM-00-ZZ-DR-A-00001	P5	28.10.2024
Proposed Site / Block Plan	H2336-HEM-00-ZZ-DR-A-00100	P11	23.12.2024
Proposed Ground Floor Plan	H2336-HEM-00-ZZ-DR-A-00101	P11	23.12.2024
Proposed First Floor Plan	H2336-HEM-00-ZZ-DR-A-00102	P11	23.12.2024
Proposed Section AA	H2336-HEM-00-ZZ-DR-A-00110	P9	23.12.2024
Proposed Section BB	H2336-HEM-00-ZZ-DR-A-00111	P10	23.12.2024
Proposed Street Elevation	H2336-HEM-00-ZZ-DR-A-00120	P9	23.12.2024
Proposed Front [West] Elevation	H2336-HEM-00-ZZ-DR-A-00121	P10	23.12.2024

Proposed Side [North] Elevation	H2336-HEM-00-ZZ-DR-A-00122	P9	23.12.2024
Proposed Rear & Side Elevations	H2336-HEM-00-ZZ-DR-A-00123	P8	23.12.2024
Proposed Section CC	H2336-HEM-00-ZZ-DR-A-00112	P5	23.12.2024
Watercourse Investigations	24/10/24AR	-	09.01.2025
Stage 1 Risk Assessment Plates	GUK-0923-03	-	11.09.2024
Stage 1 Risk Assessment	GUK-0923-03	-	11.09.2024
Stage 1 Risk Assessment Appendix B Historical Ordnance Survey Plans	GUK-0923-03	-	11.09.2024
Climate Change Statement	-	-	11.09.2024
Design & Access Statement	-	-	11.09.2024
Preliminary Ecological Appraisal Report	-	P01	17.09.2024
Stage 1 Risk Assessment Appendix A Eviro+GeoInsight Report	GUK-0923-03	-	11.09.2024
Acoustic Report	J3190-R1	-	11.09.2024
Heritage Impact Assessment	424.064976.00001	01	11.09.2024
Heritage Appraisal	424.064976.00001	01	11.09.2024
Bat Roost Potential Assessment	-	P01	11.09.2024
Planning Statement	-	-	11.09.2024
Odour Assessment	8335r1	-	17.09.2024
Letter from Punch Pubs & Co dated 17 September 2024	-	-	17.09.2024
Yorkshire Water Protection of Mains and	-	-	18.12.2024

Services			
Document Register	H2336-HEM-00-XX-FN-A-00001	-	23.12.2024

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 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.

In response to the consultation from KC Lead Local Flood Authority, the planning agent / applicant submitted additional information regarding the presence of a piped watercourse.

In response to the informal consultation from KC Conservation & Design, amended plans and justifications were submitted.

Report dated: 04.02.2025