

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/62/92606/W</b>
Site Address:	Woodland Fisheries, 72, Springwood Road, Thongsbridge, Holmfirth, HD9 7SN
Description:	Erection of side extension and increase roof height
Recommending Officer:	Laura Yeadon

**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:** 18<sup>th</sup> November 2024

## Officer Report

[Website](#)

### Site Description

The application site is a small, detached unit which is in operation as a fish and chip restaurant. The building is single storey, constructed from stone with a tiled roof. The property fronts Springwood Road with a low stone boundary wall adjacent to the bus stop which sits at the north-east corner of the site.

To the side of the site is a small area for parking and waste bins with a metal fence along the rear boundary with school playing fields beyond. Further to the side, are modern stone detached properties and adjacent, to the east is a convenience store with parking to the front.

The plot is within close proximity of mature trees.

### Proposal

The application is for the erection of a side extension and increase in roof height.

The application has been submitted following the recent refusal of planning permission under application 2023/93564. The reason for refusal was as follows:

- 1. The development is in close proximity of large, mature and significant amenity trees. In the absence of the submission of an Arboricultural Impact Assessment the proposal cannot be fully assessed in light of the extent to which excavations would impact, the level of pruning that would be required as part of the development, as well as the impact in relation to further pressure for pruning works. Insufficient and inadequate information has been submitted, to enable a full assessment of the impact of the development and demonstrate compliance with Policies LP24h) and (i), LP33 and LP61 of the Kirklees Local Plan and Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.*

The current application seeks to overcome this reason for refusal.

The roof form of the property would change from a gable fronted roof to a side gabled roof with two small roof lights within the front elevation roof plane. The eaves height would be raised from 2.3m to 2.7m and the overall height raised from 4.2 metres to 5.3 metres with the shop front remaining the same. A new door opening would be created within the rear elevation of the property with the existing flue retained.

To the side of the building, a single storey extension is proposed which would be chamfered to follow the boundary line. The extension would span the remaining width of the plot being set back from the existing front elevation of the property by 3 metres. The width of the extension would be a maximum of approximately 7.7 metres with a depth of 4.6 metres, eaves height to match the existing with a roof ridge set down from the existing by 0.9 metres.

Openings are proposed within the front elevation of the extension with a window within the side elevation and a door within the existing building to the rear of the property.

It is proposed that a store and seating area would be accommodated within the side extension with a further storage area at attic level within the roof extension.

A tree Survey has been submitted as part of this application (ref: 24\_5837\_07\_48) which sets out the following summary at paragraph 4.15.1:

*It is recommended that any excavations required for foundations inside the RPA of T1 are done so by hand under arboricultural supervision. If any roots of 25mm diameter or below are discovered then they can be pruned back by the project arborist to the correct pruning points using clean and sharp secateurs. The north side of the proposed extension very slightly clips the radial root protection area of T5. The tree sits off site and roughly 0.5 to 1 metre above the proposed extensions ground level behind a stone retaining wall. Therefore, it is highly unlikely that any root mass is located within this small area of encroachment and the use of conventional strip foundations is considered tolerable*

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

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

### **Relevant Planning History**

2012/93407 Erection of single storey side extension  
*Refused*

2015/90101 Erection of ground and first floor extensions  
*Refused*

2015/92322 Erection of single storey side extension  
*Conditional Full Permission*

2016/92236 Erection of side extension with extended roof and basement  
*Refused for the following reason:*

*The proposed side extension and roof veranda, by reason of its scale, siting and when viewed in conjunction with the existing building, would result in a development that would occupy almost the full width and a substantial part of the depth of the application site. This would appear as a cramped, overdevelopment of the site that would be detrimental to the visual amenities of the area. This would be contrary to Policies D2 (vi, vii), BE1 (iv), BE2 (i) and B5 of the Unitary Development Plan and chapter 7 of the National Planning Policy Framework.*

A subsequent appeal to this refusal (ref: APP/Z4718/W/16/3161720) was upheld and allowed the development.

2023/93564 Raising of roof height and single storey side extension - *Refused* (discussed in more depth in the 'proposal' section of this report)

### **Representations**

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

Final publicity date expired 4<sup>th</sup> November 2024 – no representations received

Holme Valley Parish Council – no comment. Defer to Kirklees officers

### **Consultation Responses**

K.C. Arboricultural Officer – following the submission of an AIA, no objection subject to a condition being imposed for a detailed Arboricultural Method Statement being submitted and agreed prior to any work commencing

K.C. Waste Strategy – no operational issues as business already served by KC trade waste services

K.C. Environmental Health – no objection – notes advised to be added to decision notice in relation to construction working times

### **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019) and Holme Valley Neighbourhood Development Plan.

The site is within the Holme Valley Neighbourhood Plan under Local Character Area 4: River Holme Settled Valley Floor. The site is otherwise unallocated land for development on the Kirklees Local Plan.

It is within a Bat Alert layer, and adjacent to UGS land (ref: UG456 'Sycamore Recreation Ground & Holmfirth High School, Thongsbridge').

It is within a Low Risk Coal area for development and is not within an identified risk area for historic gas and landfill. It is within Flood Zone 1, and outside of the site, there is some risk of local, low level surface water flooding.

It is within a Walkable Route Restrictive Zone, adjacent to a School Functional Site Boundary and a walkable route near the school under the Hot Food Takeaway SPD.

#### Kirklees Local Plan:

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 13 – Town Centre Uses
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 33 – Trees
- LP 34 – Conserving and enhancing the water environment
- LP 47 – Healthy, active and safe lifestyles
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 61 – Urban green space

#### Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 4 – Design Codes for High Quality Shopfronts and Advertisements
- Policy 7 – Supporting Economic Activity
- Policy 11 – Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.

The key landscape characteristics of the area are:

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

The key built characteristics of the area are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments

#### Supplementary Planning Documents:

- Highways Design Guide SPD
- Hot Food Takeaway SPD
- Waste Management Design Guide 2020

#### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

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

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

*“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

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

The application site operates as a fish and chip shop, within the Sui Generis 'use class' in terms of planning policy with the extensions to the building and associated accommodation resulting in an ancillary use.

Therefore, as previously concluded within the 2023/93564 Officer assessment it is not considered that a sequential test is required to be undertaken having taken into account Policy LP13 of the SPD. The proposed continued use of the building as a hot food takeaway is considered acceptable and given that the extension to the floor space of the town centres use would be modest there are minimal concerns regarding the operations at the site.

HFT3 of the Council's adopted Hot Food Takeaway SPD sets out that where planning permission is sought for a hot food takeaway (new or variation of condition) within 400m of the principal entry point to a primary (infant and/or junior or middle) or secondary school, and the proposal meets planning policy in all other respects, planning permission will only be permitted subject to the condition that opening hours are restricted. In this case the existing takeaway operates on an unrestricted basis, as such it is considered it would be unreasonable of the LPA to impose hours of use restrictions in the event of any grant of permission.

Therefore, the principle of development is considered to be acceptable and consideration shall be given to the matters below.

## 2 – Impact on visual amenity:

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

The application has been submitted following the refusal of planning permission under application 2023/93564 with the design of the scheme appearing the same as previously assessed. In terms of visual amenity, the previous assessment cited that the host property is situated between an existing flat roof convenience store and three-storey detached residential

properties, with the main body of the property remaining on the same building line as the existing. It was considered that the proposed increase in elevation and overall roof height is relatively modest however this additional bulk and massing would be sat relatively close to the highway and would appear more dominant within the street scene. It was also considered that the re-orientation of the roof form would be in keeping with the residential properties to the west.

In terms of the proposed extension, this would be set back from the front elevation of the existing building with a similar roof pitch to the alteration proposed which would be set down from the existing. The extension would be visually smaller than the host property and would not appear out of context with the host or surrounding properties.

The previous report cited that should the application be granted consent, the proposed materials should be conditioned to use natural stone to the front elevation with render to the side and rear elevations and that the roof tiles should also be conditioned.

As there have been no material changes to planning policy with regards to visual amenity since the previous application was assessed with plans which are comparable to what is proposed in this case, the previous assessment of the scheme carries weight. As such, in terms of visual amenity it is considered that the proposal is acceptable as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP02 and LP24 of the Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12 of the NPPF. This assessment has taken into account the previous applications at this site.

### 3 – Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely

effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

11 The Bridges is the closest residential property to the application site. The impact on this property was previously assessed in full. It was cited within the previous report that the proposed development would bring the existing takeaway closer to the shared boundary with no separation distance with the boundary. Whilst there is a fence along the shared boundary, it was previously considered that this would not be of a sufficient height to completely screen the proposed side elevation window within the proposed extension. Due to the window facing the amenity space for No. 11, it was previously considered that should the application be approved, a condition was attached to ensure that this opening was obscurely glazed. It is considered this is still relevant in this case and therefore a condition shall be attached to ensure that this opening would not result in overlooking neighbouring property. In addition, it was not considered that the works would result in being overbearing or cause undue levels of overshadowing.

#### *Environmental impact on neighbouring properties*

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 & odour emissions.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

HFT4 of the Council's adopted Hott Food Takeaway SPD sets out that noise attenuation and odour control measures must be accepted in terms of visual amenity, including location and external finish, not adversely impact on neighbouring occupiers by virtue of noise / vibration or odour and remain appropriate to the type of food being prepared.

HFT5 of the SPD sets out that waste storage should be suitably located and collected.

#### *Noise*

The proposed floor plans indicate that part of the additional accommodation would be used for storage and part would be used as a seating area for the takeaway. Environmental Health Officers have been formally consulted as part of the application process and have raised no concerns with the proposed works in terms of noise. However, to protect the amenity of

neighbouring properties, it is requested that notes should be added to the decision notice in relation to construction working times.

It is noted that the previous assessment of the scheme advised that should the seated area spill out to the yard outside, it was recommended that a condition should be attached limiting the use of the courtyard such that it does not permit for this area to be used for outdoor seating/use. Further consideration has been given to this matter and given the presence of walling abutting the roadside and screening the neighbouring dwellings which could be used as seating and is outside of the red line boundary of the site, it is not considered that this condition is necessary given the nature of the use, response of Environmental Health and also the scale which such seating could reasonably be accommodated. Given the use would be to serve the existing development at site, and the scale of the proposal, whilst the hours set out by Environmental Health in their response are noted it is not considered it would be reasonable to include this as a condition of any grant of permission given the existing operation(s) of the site which can take place in any event.

#### *Odour*

There is a flue located on the side elevation of the property which is proposed to be retained as part of the works. Environmental Health Officers were formally consulted and have raised no concerns with regard to odour.

#### *Waste*

The proposed works would extend the current facility. The Waste Strategy team were consulted as part of the application process and have confirmed that the premises currently has a trade waste service from the Council for collecting and treatment of waste arisings on the site. As such, Officers have confirmed that the highway access and bin presentation are not identified as presenting operation issues.

#### *Other residential properties.*

It is considered that the proposed development would be sited a sufficient distance away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Therefore, the proposal would accord with Policies LP24b, LP51 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 15 of the NPPF.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. Policy 11 of the Holme Valley

Neighbourhood Development Plan seeks the improvement of transport, accessibility and local infrastructure.

HFT7 of the Council's adopted Hot Food Takeaway SPD sets out that applications for hot food takeaways will be refused where the use is considered to have an unacceptable adverse impact on highway efficiency and safety, including the consideration of the existing use and location of the site or premises, Accessibility for pedestrians, cyclists and vehicular traffic and the operational requirements of the business.

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

The previous scheme was assessed in terms of highway safety whereby it was considered that the parking space to the side of the main building and in front of the extension was considered acceptable.

The proposed development is not considered to cause significant additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

## 5 – Other matters:

### *Biodiversity Net Gain*

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). Given it is to an area of hardstanding the development is considered to benefit from the de-minimus 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.

*Climate Change* - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

A Climate Change Statement was submitted as part of the application which identifies mitigation measures which are considered proportionate to the proposed development.

*Trees* - Whilst considering Biodiversity and trees, Policy 13 of the Holme Valley Neighbourhood Development Plan, LP30, LP33 and LP61 of the Kirklees Local Plan and Chapter 15 of the NPPF is relevant.

LP33 states that:

*“The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity and that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.”*

The site is surrounded by significant mature trees which are noted to be unprotected trees however they are within Urban Greenspace (UGS) designated land as part of the school ground and form a prominent feature in the landscape. One of the functions of UGS land under LP61 is to contribute positively towards the quality and local character of areas, providing visual amenity and biodiversity/wildlife value. This biodiversity value would also be protected by LP30 of the Kirklees Local Plan. Policy 13 of the Holme Valley Neighbourhood Development Plan indicates that all development proposals should demonstrate how habitats will be protected and enhanced.

The previous permission was refused due to the absence of an Arboricultural Impact Assessment to allow a full appraisal of the works and the extent to which excavations would have on the trees and also the level of pruning that would be required as part of the works and the future pressure for pruning. Therefore, as part of this application, an Arboricultural Impact Assessment has been submitted which was carried out by ROAVR Group under reference 24\_5837\_07\_48.

The Council's Tree Officer was formally consulted on the submitted document and has confirmed that the Assessment sufficiently details that the proposals are achievable with minimal impact on the adjacent trees. The Assessment makes several recommendations regarding digging within the Root Protection Zone of T1 which the Officer states must be upheld and agreed in an Arboricultural Method Statement.

As such, there are no objections in terms of the impact on the trees identified within the Assessment subject to a detailed Arboricultural Method Statement being submitted prior to any work commencing that follows the advice detailed within the Arboricultural Impact Assessment. The Agent has agreed to the imposition of this Condition.

*Coal legacy* – The site is located within the Coal Authority’s “Development Low Risk Area”. There is no statutory requirement to consult the Coal Authority regarding development within the “Development Low Risk Area”, instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority’s standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

*Security and safeguarding* - Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to ‘do all that it reasonably can to prevent crime and disorder in its area’. Section 8 (‘Promoting healthy and safe communities’) of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features. HFT6 of the Council’s adopted Hot Food Takeaway SPD sets out that when determining applications for hot food takeaways consideration will be given to safety and residential amenity. This includes the design of the premises and any outdoor areas.

As part of the previous assessment, it was noted that the doorway which would be inserted into the rear elevation of the existing building would be removed on the submitted plans however, it was retained on both the previous and these current plans. Chapter 8 of the National Planning Policy Framework imposes a material consideration to consider the impacts of development on crime and security for promoting healthy and safe communities, which is supported by LP24e) of the Kirklees Local Plan.

In line with the previous report, Officer’s recommend that this doorway is omitted from the scheme in order to prevent access interfering with the school administration from installing replacement secure boundary fence to the rear boundary for safeguarding/security and to allow the proposal to otherwise proceed to determination. Subject to condition, this would comply with

LP24(e) of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

6 – Representations:

None

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/92606

**Officer Recommendation:** Approve

**Conditions:**

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

**Reason:** Pursuant to the requirements of Section 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, LP13, LP21, LP24, LP30, LP33, LP47, LP51, LP52 and LP61 of the Kirklees Local Plan, Policies 1, 2, 4, 7, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan,

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building and be retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Policies 1, 2 and 4 of the Holme Valley Neighbourhood Development Plan and advice within the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

**Reason:** So as to protect to viability of the mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan, Policy 1 of the Holme Valley Neighbourhood Development Plan and advice within the National Planning Policy Framework.

5. The development shall not be occupied until the side elevation window in the extension hereby approved has been obscure glazed to a minimum Grade 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) The obscure glazing shall thereafter be retained for the lifetime of the development.

**Reason:** So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and advice within the National Planning Policy Framework.

6. Notwithstanding the submitted plans, this permission does not extend to the proposed door within the rear elevation of the existing building.

**Reason:** In order to prevent access interfering with the school administration from installing a replacement secure boundary fence to the rear boundary for safeguarding/security. This would comply with LP24(e) of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

**NOTE:** 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.

**NOTE:** 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:** The Council's GIS system indicates that the property is within a bat roost area and 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 to 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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	UD-562		23 <sup>rd</sup> September 2024
Existing elevations and floor plan	UD-562-01 – Rev: A		11 <sup>th</sup> September 2024
Proposed elevations	UD-562-03		11 <sup>th</sup> September 2024
Proposed floor plans	UD-562		11 <sup>th</sup> September 2024
Arboricultural Impact Assessment	24_5837_07_48 by ROAVR Group		11 <sup>th</sup> September 2024
Climate Change Statement	Appendix A		11 <sup>th</sup> 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 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

**Report Dated:**

12<sup>th</sup> November 2024

Coal – low

