

**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>2024/62/93568/W</b>
Site Address:	Holmfirth Swimming Pool, Huddersfield Road, Thongsbridge, Holmfirth, HD9 3JL
Description:	Extension of existing access track to provide staff parking
Recommending Officer:	Joanna Rednall

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 20-MAR-2025

## **Officer Report – 2024/93568**

### **Site Description**

The application site relates to Holmfirth Swimming Pool which is located off Huddersfield Road in Thongsbridge. The site is located at a lower ground level than the Huddersfield Road, which is to the western boundary of the site. To the north is the Police Station and to the east is an area of mature trees and the River Holme.

The complex comprises of the swimming pool building and associated car parking which currently provides 67 car parking spaces.

The site is unallocated on the Kirklees Local Plan.

### **Description of Proposal**

The application is seeking planning permission for extension of existing access track to provide staff parking.

The submitted plans set out a 12.5 meter by 10.8 meters area of soft landscaping would be removed to provide five additional parking spaces and an access track. This would connect to the north side of the existing car park and be finished with a macadam surface.

### **History of Negotiations / Amendments Received**

Following consultation response from KC Ecology, further BNG information was requested and submitted by the applicant's agent.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications:

2003/90703 - Erection of external toilet block - *Granted under Reg.3 general regulations*

2007/92639 - Erection of entrance hall and pool store extensions - *Granted under Reg.3 general regulations*

2011/91263 - Erection of extensions - *Granted under Reg.3 general regulations*

## **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (December 2024).

The application has been publicised on the Council's website and by neighbor notification letters. The expiry date of the publicity period was the 24<sup>th</sup> February 2025.

No representations were received as a result of the publicity.

Holme Valley Parish Council – no comment.

## **Consultation Responses**

KC Highways Development Management - KC Highways were informally consulted on the proposed scheme and raised no objections to the proposal.

KC Ecology – on receipt of additional information, matters addressed

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

## **Allocation and Policy**

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is located within a bat alert layer.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

### *Kirklees Local Plan*

- LP1 - Achieving Sustainable Development
- LP2 - Place Shaping
- LP21 - Highway and Access
- LP22 - Parking
- LP24 - Design
- LP27 - Flood Risk

- LP30 - Biodiversity & Geodiversity
- LP51 - Protection and improvement of local air quality

### *Holme Valley Neighbourhood Development Plan*

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- 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 3 - Conserving and Enhancing Heritage Assets
- Policy 6 - Building homes for the future
- Policy 11 - Improving Transport, Accessibility and Local Infrastructure.
- Policy 12 - Promoting Sustainability.
- Policy 13 - Protecting Wildlife and Securing Biodiversity Net Gain.

### *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.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change

### *Supplementary Planning Documents / guidance*

- Kirklees Highway Design Guide (adopted November 2019)
- Holme Valley Neighbourhood Development Plan
- The Biodiversity Net Gain Technical Advice Note

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.

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

## **Assessment**

The following matters are considered in the assessment below –

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

### **1 – Principle of Development**

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP2 also states 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 this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

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

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

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

One key characteristic of the area is 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.

- 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.

Key built characteristic 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.

The proposal is for the extension of an existing access track to provide staff parking and would provide 5 additional car parking spaces. In terms of the design, the proposed extension would incorporate 52m<sup>2</sup> of native wildflower mix planting to harmonise with the existing areas of soft landscaping around the car park. When viewed against the existing carpark, the proposed track and car park extension would appear a relatively modest addition and would not have a significant visual impact. The proposed surfacing materials would match the existing car park and would have a minimal visual impact.

For the above reasons, and given the context and nature of the site, it is therefore concluded that the proposal would not cause detrimental harm to the visual amenities of the locality and therefore is considered to accord with

Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

### **3. Impact on Residential Amenity**

Consideration in relation to the impact on the residential amenity of neighboring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimizing impact on residential amenity of future and neighboring occupiers.

Although, the development could result in additional vehicular movements, it is noted that the access track and additional parking would serve an existing leisure center. Therefore, given the nature and location of the proposal, it is not likely to cause any additional undue harm upon the amenities of the neighboring properties.

Having considered the above factors, the proposal is not considered to result in any adverse impact upon the residential amenity of any surrounding neighboring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighboring properties and Paragraph 130 (f) of the National Planning Policy Framework.

### **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. The Council's adopted Highway Design Guide seeks to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

KC Highways Development Management were informally consulted as part of this application and raised no objections to the proposed scheme. Officers consider the size of the spaces and associated track would allow for maneuvering beyond the spaces to enter and exit and in forward gear, which is considered acceptable. Additionally, the proposal to provide 5 extra spaces would benefit Holmfirth Swimming Pool by potentially reducing the number customer's parking on the main roads, improving existing highway safety.

On this basis, the scheme would not represent any harm in terms of highway safety and as such accords with Policies LP21 and LP22 of the KLP, Chapter 9 of the NPPF and the Highways Design Guide SPD.

## **5. Other Matters**

### 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 applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small-scale nature of the proposed development, Officers deem that the proposals would not have an impact on climate change that needs mitigation to address the climate change emergency on this occasion. The proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

### Flood Risk and drainage

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

The site partly falls within Flood Zone 2. There would be a neutral impact on drainage as no further works are proposed for the development to continue within the flood zone, and the extended car park would tie into the existing drainage infrastructure. The development is not, therefore, considered to cause a significant increase in fluvial risk at Holmfirth Swimming Pool in accordance with LP27 of the Kirklees Local Plan and Chapter 14 of the NPPF.

### Ecology/ Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the

local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

As part of this application, the following have been submitted:

- Site plan as existing
- Site plan as proposed
- Biodiversity metric Rev 3

The Council's Ecologist has been consulted on the above and accepts the conclusions of the Biodiversity Net Gain (BNG) assessment. Officers consider that the onsite element of the BNG proposal will result in significant onsite gain through medium distinctiveness habitats to be created on-site and this will need to be secured for 30 years.

Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy. An informative note is recommended to be included drawing this to the applicant's attention. Therefore, subject to inclusion of the recommended condition and informative note, the proposal is considered to be acceptable in this regard.

## **7. Representations**

No representations have been received.

## 8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2024/93568

**Officer Recommendation:** Approve

## Conditions

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

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP27, LP30 & LP51 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Magic Map	-	-	16/01/2025

Plan Type	Reference	Version	Date Received
Site plan as existing and location plan	24114D-01-P03	-	18/03/2025
Site plan as proposed	24114D-02-P06	-	18/03/2025
Application form	-	-	16/01/2025
Flood map	-	-	18/12/2025

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. Following the consultation response from KC Ecology, further BNG information was requested and submitted by the applicant's agent.

**Report Dated:** 19/03/2025

Coal – low

**BIODIVERSITY NET GAIN – INFORMATIVE NOTE:**

Based on the information available, this permission is considered to be one which requires the approval of a biodiversity gain plan as required by Schedule 7A of the town and Country Planning Act 1990 (as amended) before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:

- i) the application for planning permission was made before 2 April 2024;
- i) planning permission is granted which has effect before 2 April 2024; or
- ii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- i) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- i) is carried out on a site which has an area no larger than 0.5 hectares; and
- ii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any

of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- i) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

