

**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>2025/62/90349/W</b>   |
| Site Address:         | 140, Leeds Road, Huddersfield, HD1 6PZ   |
| Description:          | Removal of existing fenced compound and erection of timber fence along partial eastern boundary and installation of four no windows and associated works |
| Recommending Officer: | Joshua Merriman  |

**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:** 14-APR-2025

## **Officer Report – 2025/90349**

### **Site Description**

The application site refers to 140 Leeds Road, Huddersfield, a part two-storey, part single-storey detached office building faced in brick. The application building is located on an A road in a varied street scene, surrounded by properties of differing character, size, scale, age, and use, including the parallel Former St Andrews Church which is listed as an object of interest. The application building benefits from a large hard-standing car park to the front running adjacent to Leeds Road, with small walkways around the building, none of which would be classed as 'amenity space'.

### **Description of Proposal**

#### *The Scheme*

The application is seeking planning permission for removal of existing fence compound and erection of timber fence along partial eastern boundary and installation of four no windows and associated works.

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application:

- Flood Risk Assessment (FRAHH and Minor FRA form Stark 140 Leeds Rd Huddersfield)

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

- 05/03/2025 – Proposed Elevations (HRH047A)

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

Amendments have not been requested by Officers. However, the agent did submit amended plans detailing the inclusion of extra windows in the building.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

86/00551 – Computer facilities building – Granted Conditionally  
96/90785 – Temporary permission for erection of portable building for office storage and siting of generator compound – Conditional Full Permission.

2007/92017 – Erection of electric sub station and installation of gates – Conditional Full Permission.

## **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised on the Council's website and by site notice as affecting the setting of a Listed Building. The expiry date of the publicity period was the 27/03/2025.

The amended plans submitted did not warrant further publicity due to their scale and nature.

## **Allocation and Policy**

The site is located within a Strategic Green Infrastructure Network area, within the curtilage of a Listed Building, Flood Zone 2, in a bat alert layer and area with swift nesting records. within the Kirklees Local Plan (adopted 2019).

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
- LP30 Biodiversity and Geodiversity
- LP31 Strategic Green Infrastructure Network
- LP35 Historic Environment

### *National Policies and Guidance*

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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
- Chapter15 Conserving and enhancing the natural environment
- Chapter16 Conserving and enhancing the historic environment

## *Supplementary Planning Documents / guidance*

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

## *Legislation*

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

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

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

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

## **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

## **1 – Principle of Development**

### *Sustainable Development*

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

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. This too will be explored.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

LP35 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’.

Given the above, subject to condition, it is considered that the proposed development constitutes appropriate development and that the proposal would comply with relevant policies.

## **2 – Impact on character and appearance of the area (including impact upon historic environment):**

### *Visual Amenity*

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’*.

### *Historic Environment*

Section 66 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.

Section 66 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.

Furthermore, LP35 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.”*

The proposal is considered to be limited in scale and subservient to the original building, while being constructed using materials that are sympathetic to the local character and street scene. As a result, it is considered that there will be no adverse impacts on the surrounding historic environment, or with regard to visual amenity.

The proposed development is therefore considered to comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, and policies within Chapters 12 and 16 of the National Planning Policy Framework.

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

Sections B and C of LP24 states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of 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.

As there is an existing mesh fence between the application site and any neighbouring properties of the same size and scale as the proposed fence, it is considered that the new fence will increase the residential amenity of neighbouring occupiers and workers on the application site via increased privacy and reduced overlooking opportunities. Furthermore, the proposed windows in the application building are not considered to facilitate any extra overlooking, as there are existing windows in the same elevations at similar heights.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, and Paragraph 135 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 and Key Design Principle 15 of the adopted House Extensions &

Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the 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.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

As the proposals are limited in size and scale and set well back from the nearest highway (Leeds Road), it is considered that there will be no significant impact on highway safety.

It is therefore considered that in terms of access and highway safety/parking, the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

## **5. 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 scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## **6. Other Matters**

### *Impact upon Ecology*

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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case being for elements surrounding the application property, they would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included 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. Subject to informative 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  
PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2025/90217

**Officer Recommendation:** Conditional Full Permission

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

**Reason:** For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. 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:-

| <b>Plan Type</b>              | <b>Reference</b>   | <b>Version</b> | <b>Date Received</b> |
|-------------------------------|--|----------------|----------------------|
| Location Plan                 | HUDDERSFIELD<br>RELIANCE<br>HOUSE<br>LOCATION PLAN<br>048 (07-05-25)-<br>Model           | -              | 10/02/2025           |
| Block Plan                    | HUDDERSFIELD<br>RELIANCE<br>HOUSE BLOCK<br>PLAN 049 (07-05-<br>25)-Model                 | -              | 10/02/2025           |
| Existing Site/Block<br>Layout | HUDDERSFIELD<br>RELIANCE<br>HOUSE EXISTING<br>SITE PLAN<br>(HRH041) (14-10-<br>24)-Model | -              | 10/02/2025           |
| Proposed Site/Block<br>Layout | HUDDERSFIELD<br>RELIANCE<br>HOUSE<br>PROPOSED SITE<br>PLAN (HRH044A)<br>(23-01-25)-Model | -              | 10/02/2025           |
| Existing Floor Plans          | HUDDERSFIELD<br>RELIANCE<br>HOUSE GROUND<br>AND FIRST<br>FLOOR EXISTING                  | -              | 10/02/2025           |

| Plan Type                | Reference  | Version | Date Received |
|--------------------------|--|---------|---------------|
|                          | DESK LAYOUT fire plan (HRH039A) (14-10-24)-Model                           |         |               |
| Existing Elevations      | HUDDERSFIELD RELIANCE HOUSE EXISTING ELEVATIONS ((HRH046) (20-01-25)-Model | -       | 10/02/2025    |
| Proposed Elevations      | HRH047A  | -       | 05/03/2025    |
| Photos General [1076604] | Proposed location of windows   | -       | 18/02/2025    |
| Photos General [1076603] | Proposed location of windows   | -       | 18/02/2025    |
| Photos General           | Huddersfield fence panel photo   | -       | 10/02/2025    |
| Application Forms        | -  | -       | 10/02/2025    |
| Flood Risk Assessment    | FRAHH and Minor FRAform Stark 140 Leeds Rd Huddersfield                    | -       | 18/02/2025    |

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Amendments have not been requested by Officers. However, the agent did submit amended plans detailing the inclusion of extra windows in the building.

**Report Dated:**

28/03/2025

