

**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>2025/62/92787/W</b>
Site Address:	Ingfield Business Centre, Cherry Nook Road, Deighton, Huddersfield, HD2 1JD
Description:	Change of use of existing building from class E(g) to Class C3 residential for 7.no dwellings, first floor extension, insertion of new door and window openings and associated alterations. Construction of bin store, associated external landscaping, parking and associated alterations.
Recommending Officer:	Kerri Simpson

**DECISION – Conditional Full Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 13 March 2026

## **Officer Report – 2025/92787**

Ingfield Business Centre, Cherry Nook Road, Deighton, Huddersfield, HD2 1JD

### **Site Description**

The application site relates to a two-storey building with a lawful Use Class E(g)(i) (Office) use, located on the southern side of Cherry Nook Road. The building is constructed predominately in natural stone under predominately pitched slate roofs. The building has an irregular footprint, broadly forming an 'F-shaped' arrangement, with the gabled projections facing north towards Cherry Nook Road.

The site is served by an existing vehicular access from Cherry Nook Road which leads to a hard surfaced parking and manoeuvring area to the northern, eastern and southern side of the building. The site slopes gently with ground levels falling slightly from the north to south.

The surrounding area is predominately residential in character. To the north of the site beyond Cherry Nook Road, are residential properties. Residential dwellings are also located to the east and west of the site along Whitacre Street and Cherry Nook Road respectively. To the south-west of the site lies an area designated as Wildlife Habitat Network comprising deciduous woodland, beyond which are further residential properties on Whitacre Close which back onto the woodland area.

The site is subject to the following designations and constraints:

- Historic Landfill Buffer 200m – 250m
- Development Low Risk (Coal)
- Outer Hazardous Materials Site Buffer (Sygenta Ltd - H0396)
- Tree Preservation Order (TPO - 49/93/t1)
- Bat Alert Zone
- Adjacent Wildlife Habitat Network – Deciduous woodland (Southwest)

### **Description of Proposal**

#### *The Scheme*

The application seeks planning permission for the change of use of the existing building from Use Class E (g) (i) (offices) to form seven residential dwellings (Use Class C3). The proposal includes the construction of a first floor extension to the northern part of the building together with associated external alterations, including the insertion/replacement of windows and doors.

The proposed residential accommodation would comprise the following units:

- Flat 1: 2 bedroom, 3 person flat at ground floor level

- Flat 2: 1 bedroom, 2 person duplex unit across ground and first floor levels
- Flat 3: 2 bedroom, 3 person flat at ground floor level
- Flat 4: 3 bedroom, 6 person duplex unit across ground and first floor levels\*
- Flat 5: 2 bedroom, 3 person flat at first floor level
- Flat 6: 2 bedroom, 3 person flat at first floor level
- Flat 7: 2 bedroom, 3 person duplex unit across upper ground and first floor levels

*\*described as 3 bedroom, 5 person in application documents.*

The development would utilise the existing vehicular access from Cherry Nook Road, with parking and manoeuvring area provided within the existing hard surfaced area to the south and east of the building. The proposal also includes the provision of bin storage, external lighting, landscaping and associated site works.

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

There have been no amendments, nor have any negotiations taken place in relation the scheme.

### **Relevant Planning History**

The relevant planning history is as follows:

**2025/CLASSMA/91996** – Prior notification for change of use from commercial/business/service to 6 apartments and associated alterations – Withdrawn (6<sup>th</sup> October 2025)

**86/62K/04588/ (Ingfield Farm, Cherry Nook Road)** - Change of use from dwelling and barn to Community Enterprise Centre – Granted Conditionally (14<sup>th</sup> April 1987)

### **Representations**

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

The application has been publicised as a on the Council's website, press notice and site notice. The expiry date of the publicity period was the 9<sup>th</sup> November 2025.

There were no public letters of representation received.

### **Consultation Responses**

The following consultations have been undertaken for this application with the summarised responses listed below.

**KC Ecology Officer (Written Comments) – Objection.** A Preliminary Ecological Appraisal, including a Preliminary Bat Roost Assessment, is required due to potential bat roost features on the building and the presence of mature trees. Biodiversity Net Gain does not apply because the proposal involves a change of use with no alteration to the building footprint.

**KC Highways Development Management Team (Written Comments) – No objection,** the scheme proposes seven flats with 13 parking spaces, which exceeds the required provision. A nearby tree does not restrict access based on current plans. However, the application lacks essential visibility splay information. Sightlines of 2.4m x 43m from the access onto Cherry Nook Road must be provided.

**KC Waste Strategy Team (Written Comments) – No objection,** subject to conditions to secure bin storage details and details of a private bin management/maintenance company.

**West Yorkshire Police Designing Out Crime – No objection,** subject to the inclusion of a planning condition for security measures.

**Health and Safety Executive – No objection,** do not advise against development.

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

### **Allocation and Policy**

The site is not allocated 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*

- LP 1 – Achieving Sustainable Development**
- LP 2 – Place Shaping**
- LP 7 – Efficient and Effective Use of Land and Buildings**
- LP 20 – Sustainable Travel**
- LP 21 – Highway Safety**
- LP 22 – Parking Provision**
- LP 24 – Design**
- LP 28 – Drainage**
- LP 30 – Biodiversity and Geodiversity**
- LP 33 – Trees**
- LP 51 – Protection and Improvement of Local Air Quality**
- LP 52 – Protection and Improvement of Environmental Quality**
- LP 53 – Contaminated and Unstable Land**

## *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 9** – Promoting Sustainable Transport

**Chapter 12** – Achieving Well-Designed Places

**Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

**Chapter 15** – Conserving and Enhancing the Natural Environment

## *Supplementary Planning Documents and Guidance*

Kirklees Highways Design Guide SPD (2019).

Waste Management Design Guide for New Developments (Version 5, October 2020).

Kirklees Biodiversity Net Gain Technical Advice Note (2021).

Kirklees Housebuilders Design Guide SPD (2021).

Waste Management Design Guide for New Developments (October 2020)

## *Legislation*

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

The Planning and Compulsory Purchase Act 2004.

Section 17 of the Crime and Disorder Act 1998 (as amended)

Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2017

Environment Act 2021

Town and Country Planning (Tree Preservation) (England) Regulations 2012

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. Visual amenity and heritage impacts
2. Impact upon residential amenity
3. Impact upon highway safety
4. Ecology and Biodiversity
5. Pollution Control
6. Climate Change
7. Other Matters
8. Representations
9. 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 assessment. 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.

#### Housing Matters

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development.

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.” The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal.

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan supports the efficient and effective use of land and buildings including the re-use of previously developed land, underused properties, priority to despoiled, degraded, derelict and contaminated land, particularly in a sustainable location and if it is not of high environmental value.

The proposal involves the conversion of an existing office building to provide seven residential units. The development represents the re-use of existing built form in a predominately residential area and is acceptable in principle, subject to there being no unacceptable impacts in terms of parking, highway safety, residential amenity, visual amenity and other material planning considerations.

The provision of additional housing carries positive weight in the planning balance, particularly in light of the Council’s current position regarding its five-year housing land supply. On this basis, the principle of the development is acceptable, subject to the detailed matters considered in the remainder of this report.

## **2. Visual Amenity and Heritage Impacts**

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.

Paragraphs 134 and 135 of the NPPF set out the requirements for high quality, beautiful and sustainable buildings, and places. Paragraph 137 states that planning decisions should ensure developments are sympathetic to local character while not preventing innovation or change. Paragraph 140 highlights the importance of layout and building form in contributing to a strong sense of place.

Further to this, Paragraph 130 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.

Local Plan Policies LP1 and LP2 are also relevant. These policies underpin Policy LP24 and 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.

Policy LP24 of the Kirklees Local Plan requires all proposals to promote good design by ensuring layout, scale, density, and appearance respects the character of surrounding development and landscape. It also expects development to provide adequate outdoor space and be visually attractive. Policy LP57 and LP60 are also relevant due to the Green Belt context as set out in the principle of development section in this report.

The Kirklees Housebuilder Design Guide SPD sets out 'Principles' and expectations for development to respond positively to topography, existing building lines, and settlement patterns. It also seeks to ensure that new development integrates well with surroundings, with appropriate spacing, layout and massing that reflects local character.

The proposal relates to the conversion of an existing two storey stone built office building. The overall siting and form of the building would remain unchanged. The only enlargement proposed is a modest first floor extension over the existing single storey metal roof element located on the northern side of the building. The ridge height of the extension would align with that of the existing two storey building and the eaves would continue across the elevation. The extension would utilise materials to match the existing building, including matching roof tiles and external walling, and would therefore appear as a natural continuation of the existing structure.

In addition to the extension, a number of alterations to the buildings' openings are proposed in order to facilitate the residential conversion. These include the insertion of new windows, the replacement of some existing doors with windows, and the introduction of new door openings at ground level. A new window would also be introduced within the first-floor extension on the northwest elevation, together with a limited number of additional openings on the side elevations. To the south-east (rear) elevation, some existing glazed doors would be replaced with more traditional door and window arrangements, and the existing large barn style door would be removed and replaced with standard domestic style doors. Overall, the arrangement of openings would remain broadly consistent with the existing building and would not materially alter its established architectural character.

In terms of site layout, the proposal would largely retain the existing arrangement of hardstanding surrounding the building, whilst formalising areas of surfacing to provide parking and pedestrian access. While internally, all flats would benefit from their own independent access, with no communal hallways proposed.

The development would provide 13 parking spaces utilising a combination of permeable grid parking and tarmac surfacing. Areas of paving would be introduced adjacent to the building to provide pedestrian circulation, together with areas of landscaping to the front of the site and the provision of a bin store. Whilst the application indicates areas of landscaping, the precise details of planting and surface treatments, along with bin store will be secured by condition.

Given the modest nature of the extension and the limited alterations to the buildings external appearance, the proposal would not significantly alter the overall visual appearance of the building within the street scene. The development is therefore considered acceptable in visual design terms, subject to conditions the proposal would comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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

Policy LP24 of the Kirklees Local Plan requires all development to provide a high standard of amenity for future and neighbouring occupiers. This includes appropriate levels of privacy, light, outdoor space and internal living conditions. The policy also seeks to ensure that development retains appropriate distances between buildings to avoid harmful impacts such as overshadowing and loss of privacy to neighbouring properties.

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. Principles within the Council's adopted Housebuilders Design Guide Supplementary Planning Document (SPD), where relevant, are referred to in the following consideration of the impact of the development upon residential amenity.

Principle 6 of the Housebuilders Design Guide sets out 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. Space about buildings can also make a positive contribution to local character and street scenes. It then goes on to provide the following minimum separation distances for two storey houses, which would be relevant to this two storey conversion, the distances are as follows:

- **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 a non-habitable room;
- **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 metres** distance from the side wall of the new dwelling to a shared boundary.

The proposal involves the conversion of an existing office building to residential use. As a result, a number of existing openings which have historically served office accommodation would become habitable room windows or be associated with residential circulation spaces. The assessment therefore focuses on whether the proposed alterations and limited extension would give rise unacceptable impacts in terms of overlooking, overbearing impact, or loss of daylight and sunlight to neighbouring properties.

### Cherry Nook Road (North)

Residential properties are located to the north/ opposite the site on Cherry Nook Road. The nearest of these is No.13 Cherry Nook Road, which would be located circa 25m from the closest windows within the proposed development. The relevant windows relate to Flat 7, within the proposed first floor extension. This separation from No.13 and other dwellings on Cherry Nook Road would exceed the 21m guidelines for facing habitable room windows set out within Principle 6 of the Housebuilders Design Guide SPD. As such, the development would maintain an appropriate level of privacy between the dwellings. Further, the limited increase in height associated with the first floor extension would also remain sufficiently separated as not to give rise to any material loss of daylight or sunlight.

### Nos.18A and 18B Cherry Nook Road

These dwellings are located to the west of the application site. A separation distance of circa 15m would be retained between these dwellings and the element of the building where the first floor extension is proposed. Whilst this distance falls below the 21m guideline, the relationship between the buildings is influenced by changes in ground levels, with the neighbouring properties positioned on higher land. Furthermore, in this location, the proposal would not have any habitable room windows at first floor adjacent this neighbour with limited habitable windows at upper ground floor. Taking these factors into account, together with the orientation of existing vegetation between the properties, it is considered that the proposed would not result in an unacceptable impact on daylight or sunlight, nor would it result in a detrimental impact on privacy.

### No.35 Whitacre Street

This neighbour lies to the east of the site and is a detached residential property. The proposed development would be offset from this dwelling, meaning that windows within the resultant building would not directly face the rear facing window of the neighbouring dwelling.

The separation distance between the rear elevation of the application building and the boundary of No.35 Whitacre Street is approximately 11m. Whilst upper floor windows within the proposal would overlook parts of the neighbouring garden area, it is noted that the relationship would primarily involve views towards private amenity space rather than directly into habitable rooms. In typical residential environments, some degree of intervisibility across garden areas is common and does not, in itself give rise to unacceptable impacts on residential amenity, when coupled with the separation distance retained.

### No.37 Whitacre Street

This neighbour is located to the northeast of the application site and would retain a separation distance of circa 11m from the proposed development. The elevation of this neighbouring property facing the site comprises a blank side

gable, with no windows present, as such there would not be any direct overlooking to windows serving No.37. Any views from the result development towards this property would instead be directed across the front forecourt area of the neighbouring dwelling rather than towards private internal living spaces. It is therefore not considered that the proposal would lead to unacceptable overlooking or a loss of privacy.

### Whitacre Close

Residential properties located on Whitacre Close are positioned circa 45m from the application building. This distance significantly exceeds the separation distances recommended within the Housebuilders Design Guide SPD and ensure that there would be no adverse impact in terms of overlooking or loss of privacy to these neighbours.

### Conclusions on residential amenity

Overall, having regard to the existing relationships, separation distances, orientation and the limited nature of the works, the proposal would not result in unacceptable harm to the residential amenity of neighbouring occupiers and is considered acceptable in this regard in accordance with Policy LP24 of the Kirklees Local Plan.

### Future Occupiers

The Nationally Describe Space Standards (NDSS) set out minimum internal space requirements to ensure that new dwellings provide an adequate standard of living for future occupants. Similarly, Principle 16 of the Kirklees Housebuilders Design Guide SPD emphasizes the importance of providing high quality internal living expectations and contribute to a sustainable housing stock.

The proposed development would deliver seven self-contained residential units within the existing building through conversion. The development would provide a mix of one, two and three bedroom flats arranged across ground, upper ground and first floor levels, including a number of duplex units.

The majority of the proposed units (Flats 1 – 7, excluding 2) would provide internal accommodation that meets or exceeds the Nationally Described Space Standards (NDSS) in terms of gross internal floor area and bedroom sizes. The compliant units would provide internal floorspace ranging from circa 61sqm to 107sqm, thereby meeting or exceeding the minimum requirements for their respective unit types.

Flat 7 is described by the applicant as a two bedroom, three person unit. Whilst one of the bedrooms exceeds the floor area typically associated with a single bedroom, its width is limited and it would not comfortably function as double bedroom. Similarly Flat 4 is described as a three bedroom, five person unit. However all three bedrooms are sufficiently sized to function as double bedrooms. It is therefore more appropriate to consider Flat 7 as a two bedroom,

three person unit and Flat 4 as a three bedroom, six person unit. Notwithstanding this, the units provide sufficient internal floorspace to meet the relevant minimum floor standards.

Flat 2 would provide circa 54sqm of internal floorspace, falling marginally below the 58sqm minimum typically associated with a two storey, one bedroom, two person dwelling under the NDSS. However, Principle 16 of the Kirklees Housebuilders Design Guide SPD recognises that whilst the Government has introduced the NDSS, this is not currently adopted within the Kirklees Local Plan. While the NDSS is a benchmark for Kirklees, it is not definitive at this time and therefore proposals can be assessed against the broader design objectives of Policy LP24, which seeks to ensure the development provides a high quality living environment.

In this case, whilst Flat 2 would fall marginally below the NDSS, the unit would nevertheless provide a functional and usable internal layout suitable for its intended low level occupancy of two people. The accommodation would benefit from windows providing adequate levels of daylight, outlook and natural ventilation, and the unit would have its own independent access within the building.

Furthermore, the development as a whole would provide communal landscaped areas within the site together with off-street parking, contributing positively to the overall living environment for future occupiers. The remaining units within the scheme would also achieve acceptable layouts and with good access to daylight and outlook.

Taking these factors into account, and having regard to the overall quality of the accommodation proposed, it is considered that the development would, on balance, provide an acceptable standard of living conditions for future occupiers, consistent with the objectives of Policy LP24 of the Kirklees Local Plan and Principle 16 of the Housebuilders Design Guide SPD.

#### **4. Impact on Highway Safety**

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

#### Access and Parking

The application site is located within an established residential area and benefits from existing vehicular access arrangements. It is in a relatively sustainable location being within 5 minutes walking distance of Deighton Station providing services to Huddersfield, Leeds, Dewsbury and Wakefield; and a number of bus stops providing services to Huddersfield Bus Station through to Crosland Moor (Balmoral Avenue). Notwithstanding this, it is expected that future occupiers would have some reliance of private vehicles. However, in order to support sustainable modes of transport, in this sustainable location, it is recommended that a condition to secure details of cycle parking is attached to any decision.

The proposal would utilise the existing vehicular access onto Cherry Nook Road. The development would provide 13 off-street parking spaces to the rear of the building together with bin storage area located close to the site entrance.

The Council's Highways Development Management (HDM) Team was consulted on the proposal. HDM note that the recommended parking standards for residential flats are one space for a one or two bedroom flat and two spaces for a three-bedroom flat, together with one visitor space per four flats. On this basis the development would require 9 parking spaces, whereas 13 spaces are proposed, which is considered acceptable.

The submitted plans also indicate the retention of an existing tree located within the parking area. HDM note that there is approximately 6.5m between the tree and parking spaces which would allow sufficient room for manoeuvring and access. On this basis HDM raised no objection to the tree being retained in relation to the proposed parking layout.

However, HDM advise that visibility splays from the site access onto Cherry Nook Road have not been demonstrated within the submitted plans. In order to ensure that adequate visibility can be achieved, HDM recommend that visibility splays of 2.4m x 43m should be provided at the site access. It is considered that this matter can reasonably be addressed through condition prior to first occupation of the development, given the existing access has historically been subject to a more intensive office use. Subject to this requirement being secured by condition, it is considered that the proposal would provide a safe and suitable access arrangement and would not result in unacceptable impacts on highway safety in accordance with Policy LP21 and LP22 of the Kirklees Local Plan, the Kirklees Highways Design Guide SPD and Chapter 9 of the NPFF.

#### Refuse and Recycling

Policy LP24(d.vi) of the Kirklees Local Plan requires development proposals to incorporate unobtrusive and well-designed facilities for the storage and collection of refuse and recycling. Policy LP43 and the Highways Design Guide SPD supports development which facilitates appropriate waste management arrangements.

The Council's Waste Strategy Team were consulted on the application. They advise that for a development of 7 dwellings, a bin storage capacity of 1,260 litres is required, which equates to 4 x 660 litre communal bins, comprising two residual waste bins and two recycling bins.

The submitted site layout plan identifies a proposed bin store located adjacent to the site entrance on Cherry Nook Road, positioned close to the pedestrian access point. This location would allow bins to be moved to a collection point adjacent to the highway for collection by refuse vehicles. The Waste Strategy Team have confirmed that further details are required in respect of the design of the bin store, screening, bin collection point arrangements and refuse vehicle access. They have therefore recommended conditions requiring the submission of a pre-occupation waste strategy and details relating to the management and maintenance of the communal bin storage area.

Given the scale of the development and the location of the proposed bin storage area close to the site entrance, it is considered that a suitable refuse storage and collection arrangement can be achieved. Subject to the recommended planning conditions securing the detailed design and management of the bin store, the proposal is considered acceptable in this regard and would accord with Policies LP24 and LP43 of the Kirklees Local Plan and the Council's waste management guidance.

## **5. Biodiversity and Ecology**

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

### Ecology

The Council's Ecologist was consulted and advised that a Preliminary Ecological Appraisal (PEA) and bat Preliminary Roost Assessment (PRA) should be submitted, on the basis that the building where works will take place has several external potential bat roosting features and that there are a few mature trees on the site which may be impacted by works.

The proposal primarily relates to the conversion of an existing building from office use to residential use, with only limited external works proposed. The development includes a modest first floor extension to an existing single storey element and alterations to existing openings, largely within the existing built envelope. The site itself is predominantly hard surfaced and developed, with very limited vegetated habitat present. Having regard to the nature of the proposal and the characteristics of the site, it is considered that the requirement for a full Preliminary Ecological Appraisal would not be proportionate in this instance.

Photographic evidence submitted with the application indicates that the building is generally in good condition and largely well sealed. The roof structure is predominately tiled, although it is noted that the 1.5/1 storey element is of corrugated metal sheeting to the roof, this section of the building does not appear to contain the types of crevice features commonly used by roosting bats. Whilst the proposal includes works to this small section of existing roof as part of the extension, having regard to the characteristics of the building and site, the information submitted with the application and the nature of the works proposed, it is considered that sufficient information is available to allow the Local Planning Authority to make a reasoned judgement in this case. It is therefore no considered necessary or proportionate to require a preliminary bat roost assessment in this context.

Notwithstanding the above, bats remain protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. An informative will be attached advising that works should cease and appropriate ecological advice sought should evidence of bats be discovered during the course of the development.

Taking the above into account and given the limited ecological value of the site and the modest scale of the works proposed, the development is not considered likely to result in significant harm to ecological features. The proposal is therefore considered to comply with Policy LP30 of the Kirklees Local Plan and the biodiversity objectives of the NPPF.

#### Biodiversity Net Gain

The proposal has been assessed against the statutory requirements for Biodiversity Net Gain (BNG). The works are for a change of use to the building. As a result, there will be no change to the footprint and so BNG is exempt as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

#### **6. Tree Impact**

Policy LP33 of the Kirklees Local Plan seeks to ensure that development proposals protect existing trees and woodland, avoid unacceptable harm, and secure their long-term retention and integration into the landscape. Policy LP24 further requires development to respond positively to its landscape context and avoid adverse impacts on visual amenity.

A Tree Preservation Order (TPO Ref 49/93/t1) is located within the existing rear yard area of the site and is shown to be retained as part of the development. The tree currently exists within a largely hard surfaced environment associated with the existing office use of the site. Historic aerial imagery indicates that the tree has long co-existed with areas of hardstanding and vehicle circulation within the yard.

The proposal does not introduce built development in close proximity to the tree and would not materially alter its relationship with the surrounding site. Given the limited nature of the external works proposed on this section of the site, the development is not considered likely to result in harm to the protected tree.

The submitted plans include a note indicating that the tree could potentially be removed if it is deemed to impact building stability or the operation of the parking area. However, the tree is protected by a Tree Preservation Order and any works to the tree, including removal would require separate consent from the Local Planning Authority (LPA) under the relevant tree legislation. The current application does not propose nor permit the removal of the protected tree and it has therefore been assessed on the basis that the tree will be retained.

The canopy of the protected tree extends across part of the rear elevation of the building and may provide some degree of shading to habitable room windows serving the proposed residential units. However, the presence of mature trees within residential environments commonly result in some level of shading and this does not in itself render development unacceptable. The TPO status also requires consent from the LPA for any works such as pruning. This provides appropriate control to ensure that amenity value of the tree is safeguarded whilst allowing the authority to consider any future management requests on their merit.

A condition requiring tree protection measures during construction is recommended to ensure the retained tree is appropriately safeguarded during the course of the works. This is considered necessary and proportionate to the scale and nature of the scheme. Subject to the imposition of this condition, it is considered that the proposal would not result in unacceptable harm to the protected tree and would therefore comply with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

## **7. Pollution Control**

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or result in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediated to ensure that sites are suitable for their intended use.

The site lies partially within the Development Low Risk Area as defined by the Coal Authority (The Mining Remediation Authority). In accordance with the Coal Authority's standing advice, proposals of this nature fall outside the requirement for consultation, as they are unlikely to pose risk to subsurface coal features or land stability. As such, it is recommended that the Coal Authority's standing advice is attached to any decision as an informative.

The site also lies within the 200 – 250m buffer of a historic landfill site and within the outer consultation buffer/zone of a Hazard Substance site (Syngenta Ltd). The Health and Safety Executive (HSE) were consulted on the application and do not advise against the development. The proposal primarily relates to the conversion of an existing building with only limited external works proposed. These works include a modest first-floor extension and alterations to the existing building. Ground disturbance associated with the development would be minimal and is largely limited to localised surfacing works within the existing hard standing area.

Having regard to the nature and scale of the proposal, it is considered that the development would not give rise to unacceptable risks in relation to land contamination or pollution. Notwithstanding this, it is considered appropriate to impose a condition requiring that any unexpected contamination encountered during construction be reported and appropriately remediated. This will ensure that any unforeseen contamination risks are appropriately managed.

Subject to appropriate conditions and informatives, the proposal is considered acceptable in relation to Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

## **7. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

A formal Climate Change Statement has not been submitted. However the Design and Access Statement confirms that the proposal will incorporate measures such as upgrading the existing building fabric to modern insulation standards, energy efficient lighting, water saving fixtures and high-performance glazing.

The proposal primarily related to the re-use and conversion of an existing building, which represents a sustainable form of development by reducing embodied carbon and construction water compared with new build development. The development will also be required to comply with Building Regulations, including Part L, ensuring appropriate standards of energy efficiency are achieved.

Taken together, these measures demonstrate a proactive approach to addressing climate change and align with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan and the wider aims of the Council.

## **8. Other Matters**

### Flood Risk and Surface Water Management

Chapter 14 of the National Planning Policy Framework and Policy LP28 of the Kirklees Local Plan require development to avoid increasing flood risk and to incorporate sustainable drainage where feasible. The site lies in Flood Zone 1 and is at very low risk of surface water flooding, no site-specific Flood Risk Assessment is required. It is recommended that a condition is attached to the decision to ensure permeable surfacing and appropriate drainage for parking and hardstanding areas. Subject to this condition, the proposal would comply with Policy LP28 and Chapter 14 of the National Planning Policy Framework 2024.

## **9. Representations**

There were no public letters of representation received as a result of site publicity.

## **10. 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: 2025/92787**

**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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 4, 5, 9, 12, 14 and 15 of the National Planning Policy Framework 2024.
2. The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the Local Planning Authority has been obtained for any proposed change or variation. **Reason:** In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework 2024.

3. The development hereby approved shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened 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. These areas shall be so retained, free of obstructions and available for access and parking. **Reason:** In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework 2024.
4. The parking areas shown on the approved plan reference A(90)-02, titled Site Plan – As Proposed, dated Sept 2025, shall be provided prior to first occupation of the development and thereafter retained for the parking of vehicles associated with the development. **Reason:** To ensure adequate parking provision in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.
5. Prior to the first occupation of the development hereby approved, visibility splays of 2.4m x 43m shall be provided at the Cherry Nook Road vehicular access. All visibility splays within the development shall be kept free of any obstruction exceeding 1.0m in height above carriageway level for the lifetime of the development. Existing trees and other features within the public footway along the sight frontage would not be considered an obstruction to visibility. **Reason:** To ensure adequate visibility in the interests of highway safety in accordance with Policy LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.
6. No site clearance, demolition or groundworks shall take place until details of tree protection measures for the retained Tree Preservation Order tree have been submitted to and approved in writing by the Local Planning Authority. The details shall include protective fencing and ground protection in accordance with BS5837:2012 – Trees in relation to design, demolition and construction. The approved protection measures shall be installed prior to the commencement of works and retained for the duration of construction. **Reason:** To safeguard the retained Tree Preservation Order tree during construction in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

7. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy. **Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.
  
8. Prior to the first occupation of the development hereby approved, a detailed scheme of landscaping (including hard and soft landscaping, boundary treatments, planting plans with species, numbers, and planting sizes, and a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable and retained thereafter. **Reason:** In the interests of visual amenity and to ensure a satisfactory standard of landscaping is achieved in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.
  
9. Prior to the first occupation of the development, full details of the proposed bin storage, associated screening, bin collection points (BCPs), and refuse collection vehicle (RCV) access shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of the development and shall thereafter be retained and maintained for the lifetime of the development. **Reason:** To ensure satisfactory arrangements for waste storage and collection, to safeguard the appearance of the development, and to ensure safe and efficient access for refuse vehicles, in the interests of residential amenity and highway safety in accordance with Policy LP24 (d.vi) and LP43 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.
  
10. Prior to the first occupation of the development, full details of the management and maintenance arrangements for all communal refuse storage areas, to be undertaken by a designated private management company, shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented before the first occupation of the development and shall thereafter be

retained and adhered to for the lifetime of the development. **Reason:** To ensure satisfactory long-term management of communal waste facilities in the interests of residential amenity and to accord with Policy LP24 (d.vi) and LP43 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.

11. Prior to the first occupation of the development, details of the proposed security measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation and shall thereafter be retained. The submitted details shall demonstrate how the development will seek to achieve the 'Secured by Design' accreditation award from the Metropolitan Police. **Reason:** In pursuance of the Local Planning Authority's duty under Section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions, and to improve community safety and crime prevention, in accordance with Policies LP24 and LP47 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework 2024.
12. Prior to first occupation of the development, details of secure and covered cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided prior to occupation of the development and shall thereafter be retained for the lifetime of the development. **Reason:** To promote sustainable modes of transport in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.
13. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either:
  - a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or,
  - a) 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority. **Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

**NOTE:** Any changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at [vehicle.crossing@kirklees.gov.uk](mailto:vehicle.crossing@kirklees.gov.uk) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

**NOTE:** Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully. No works are to commence without the council first receiving a copy

of the European Protected Species (EPS) licence and mitigation method statement.

**NOTE:** 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:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

**NOTE:** EVF1 Electric Vehicle Charging Points

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			15/10/2025
Existing Site Location Plan	A(00)-04		15/10/2025
Topographical Survey	6316CM/1		15/10/2025
Topographical Survey	6316CM/2		15/10/2025
Ground Floor Plan – As Existing	A(00)-01		15/10/2025
First Floor Plan -As Existing	A(00)-02		15/10/2025
Elevations – As Existing	A(00)-03		15/10/2025
Site Plan – As Proposed	A(90)-02		15/10/2025
Ground Floor Plan – As Proposed	A(10)-04		15/10/2025
First Floor Plan – As Proposed	A(10)-05		15/10/2025
Elevations – As Proposed	A(10)-06		15/10/2025
Design and Access Statement	2379		15/10/2025
Flood map for planning			15/10/2025

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. There were no negotiations or amendments required.

**Report Dated:**

10.03.2026

