KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	2017/70/93622/W
Site Address:	Finthorpe Grange, Finthorpe Lane, Almondbury, Huddersfield, HD5 8TU
Description:	Variation of condition 6 (windows) on previous permission 2013/93766 for alterations to convert barn to living accommodation (Listed Building)
Recommending Officer:	Anna Blaxall

DECISION – APPROVE THE VARIATION OF CONDITION 6

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.

Nigel Hunston

AUTHORISED OFFICER

Date: 22-Jan-2018

Officer Report

Application: 2017/70/93622/W

Site: Finthorpe Grange, Finthorpe Lane, Almondbury, Huddersfield, HD5 8TU

Proposal: Variation of condition 6 (windows) on previous permission 2013/93766 for alterations to convert barn to living accommodation (Listed Building)

Site Description

The property forms a large 'L' shaped building set within its own grounds. The building lies to the east of the application site with parking space within a courtyard area to the front and an expansive lawn garden area occupying the remainder the site. The building is Grade II* listed. The property is occupied as a single dwelling house with workshop and storage areas in the attached barn, the subject of this application. The building is faced in coursed stone with stone slate to the roof areas.

Description of Proposal

Permission is sought to vary condition 6 on previous permission 2013/93766 which was for alterations to convert barn to living accommodation. Condition 6 relates to windows , stating that '*All new and replacement windows shall be of timber framed. No works to install new windows shall take place until design (at 1/20 scale), joinery (at 1/5 scale) details of the frames have been submitted to and approved in writing by the Local Planning Authority. The works shall then be completed in complete accordance with the approved details prior to hereby approved development being brought into use and thereafter retained'.*

Since the granting of planning permission windows have been installed which are aluminium in their construction, there by not according with condition 6 which specifies timber. The principle of installing aluminium was discussed the Conservation & Design Team prior to their installation.

History of negotiations/amendments received

No discussions have been held during the course of the application regarding the principle or contents of the application. However the agent did contact Officers to disclose an error with the application which was resolved.

Discussions were also held with the agent prior to the applications submission where they were advised that the condition need to be varied.

Relevant Planning History

Finthorpe Grange, Finthorpe Lane, Almondbury

Application Number	Proposal	Decision
2013/93767	Listed Building Consent for works to barn to living accommodation	Consent Granted
2013/93766	Alterations to convert barn to living accommodation (Listed Building)	Conditional Full Permission
2017/90146	Discharge condition 6 (window details), 7 (external joinery), 8 (rooflights) on previous permissions 2013/93766 for alterations to convert barn to living accommodation (Listed Building)	Refused

Representations

This application has been publicised by means of newspaper advertisement and site notice
Final publicity date expires: 8th Jan 2018

No representations have been received.

Consultation Responses

K.C. Conservation and Design: Proposal assessed and report compiled by Conservation Team Officer.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (Review 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector.

The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is allocated on the UDP Proposals Map and on Kirklees Publication Draft Local Plan as being green belt. The property has also identified as being grade II* listed (Historic England Ref 1313840)

Kirklees Unitary Development Plan (UDP):
Relevant policies:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE9** – Archaeological value
- **BE10** - Archaeological value

Kirklees Publication Draft Local Plan (KPDLP): Submitted for examination April 2017:
Relevant policies:

- **PLP 24** – Design
- **PLP 35** – 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 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

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

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design
- **Chapter 12** – Conserving and enhancing the historic environment

- **Planning Practice Guidance** – Conserving and enhancing the historic environment
- **Traditional Windows**: their care, repair and upgrading (Historic England)

Assessment

1 – Principle of development:

The principle of the development was established by the granting of planning permission in 2014 (2013/62/93766/W) for the alterations to convert barn to living accommodation.

The issues to be examined are whether the amendment to the design of the window frames and the use of aluminium/timber composite with a powder coated finish, instead of timber, is acceptable. This is assessed below.

2 –Impact on visual amenity/ built heritage:

It is considered by Officers that the installation of aluminium frames as shown in the supporting details, as opposed to the specified timber frames, would not result in any additional harm the designated heritage asset.

The proposals are therefore considered acceptable in relation to the guidance contained within the NPPF, Policies BE1 & BE2 of the UDP, and Policies PLP24 and PLP35 of the PDLP.

3 – Impact on residential amenity:

The proposal does not involve any changes to the location or size of window openings, therefore there will be no additional impact on residential amenity.

4 – Other Matters

N/A

5 – Representations

No public representations have been received.

6 – Summary

The above assessment demonstrates that the proposed variation would not result in harm to the host listed building. As such it is deemed that the application accords with policies BE1 & BE2 of the UDP and PLP14, 17, 25 & 35 of the emerging KPLDP. It is also considered to comply with Sections 7 (Requiring good design) & 12 (Conserving and enhancing the historic environment) of the NPPF, in terms of conserving the historic fabric, minimising conflict between the proposal and the heritage asset and

sustaining the significance of the heritage asset, as well as Sections 16 & 72 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

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

Recommendation -
Approve

Decision Authorisation – Delegated Powers

Application Number: 2017/70/93622/W

Officer Recommendation: Grant Consent

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 BE1, BE2, EP11 and T10 of the Kirklees Unitary Development Plan and National Planning Policy Framework.

3. The development shall be carried out in complete accordance with the following measures:

- Contractors working at the site should be made aware that there is always the possibility of bats being found during the development.

- The removal of roof tiles and other features under which bats might shelter should be removed with care by hand.
- If bats are found, then work must cease immediately and the advice of a licensed bat worker sought.
- During the active season (March to October), bats may take up residence in suitable locations, including new buildings before work is completed. Contractors should be made aware of this.
- Currently, no works are planned for the external walls of the south and east elevations, which is where the main bat roost potential lies. If these walls are to be affected in anyway and the cracks and cervices filled, then a dawn activity survey is recommended immediately before undertaking any works.

If the development is not completed within 2 years of the original bat survey, repeat activity surveys shall be undertaken.
Reason: So as to ensure that the development does not harm any protected species that may be present on the site in accordance with the aims of the National Planning Policy Framework.

4. The development hereby approved shall be carried out in complete accordance with the summary and evaluations of findings and section 6 of the Bat Survey report, prepared by
Peter Middleton MCIEEM, accompany this application.
Reason: To ensure that Bats, which are a European protected species are not detrimentally affected by the development hereby approved and to accord with the National Planning Policy Framework.

5. Prior the hereby approved development being brought into use, a bat roost opportunity as shown on the amended drawing no. 2127 – 03 Rev D, shall be provided integral to the rear elevation of the building and retained thereafter.
Reason: For the preservation of protected species and wildlife around the site and to accord with the National Planning Policy Framework: Conserving and enhancing the natural environment and Policy EP11 of the Kirklees Unitary Development Plan.

6. All new and replacement windows shall be of timber framed construction with a painted finish or be of aluminium/timber composite with a powder coated finish.
Reason: To ensure that the works conserve the character of the Listed Building, preserve the character and appearance of the Green Belt, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, guidance by English Heritage - The conversion of traditional farm buildings: A guide to good practice and to accord with the aims of the National Planning Policy Framework.

7. All external joinery shall be of timber construction and have a painted finish before the barn is first occupied in accordance with the details which have previously been submitted to and approved in writing by the Local Planning Authority. The external joinery shall thereafter be retained in accordance with the approved details.
Reason: To ensure that the works conserve the character of the Listed Building, preserve the character and appearance of the Green Belt, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, guidance by English Heritage - The conversion of traditional farm buildings: A guide to good practice and to accord with the aims of the National Planning Policy Framework.

8. All new rooflights as shown on amended drawing no. 2127 – 03 Rev D, shall be of a conservation type, details of which shall be submitted to and approved in writing by the Local Planning Authority, before the converted barn is first occupied. The development shall be completed in accordance with the approved details and thereafter in retained for the lifetime of the development.
Reason: To ensure that the works conserve the character of the Listed Building, preserve the character and appearance of the Green Belt, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, guidance by English Heritage - The conversion of traditional farm buildings: A guide to good practice and to accord with the aims of the National Planning Policy Framework.

9. The development shall be carried out in complete accordance with the "Statement of Justification" ref. no. SKS 2127, accompanying the application.
Reason: To ensure that the works conserve the character of the Listed Building, preserve the character and appearance of the Green Belt, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, guidance by English Heritage - The conversion of traditional farm buildings: A guide to good practice and to accord with the aims of the National Planning Policy Framework.

10. Adequate support shall be provided at all times to the existing walls during the building works approved as part of this application.
Reason: So as to ensure that the permission is not rendered inoperable and for the avoidance of doubt in accordance with Policy BE1 of the Kirklees Unitary Development Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Window Details	2245 – Curtain Walling Detail 1		24th October 2017
Window Details	2245 – Curtain Walling Detail 2		24th October 2017
Location Plan and existing floor plans ((submitted with 2013/93766)	2127-02		26th November 2013
Elevations & sections as existing (submitted with 2013/93766)	2127-01		26th November 2013
Proposed elevations, floor plans and sections (submitted with 2013/93766)	2127-03		21st January 2014
Statement of Justification ref. no, SKS 2127 (submitted with 2013/93766)	Prepared by Acumen Designers & Architects Ltd		26th November 2013
Design, Access & Heritage Statement (submitted with 2013/93766)	SKS 2127 – Revised Jan 2013		26th November 2013
Bat Survey (submitted with 2013/93766)	Peter Middleton MCIEEM		26th November 2013
Details of method of fixing the proposed internal full height self-supporting finned glazing (submitted with 2013/93766)	Appendix B 3 Pages		13th June 2014

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. No discussions have been held during the course of the application regarding the principle or contents of the application. However the agent did contact Officers to disclose an error with the application which was resolved. Discussions were also held with the agent prior to the applications submission where they were advised that the condition need to be varied.

Report Dated: 22/1/18