

**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: 2019/62/93637/W

Site Address: Holmfirth Civic Hall Community Trust, Huddersfield Road, Holmfirth, HD9 3AS

Description: Erection of roof over rear well to create enclosed space, erection of rear fire escape and interior and exterior alterations (within a Conservation Area)

Recommending Officer: Alice Huxley

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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-Jan-2020

Officer Report

Site Description

Holmfirth Civic Hall Community Trust, Huddersfield Road, Holmfirth.

Holmfirth Civic Hall is an 18th Century stone constructed Grade II Listed building that sits within a sloping site within Holmfirth Conservation Area.

Description of Proposal

Erection of roof over rear well to create enclosed space, erection of rear fire escape and interior and exterior alterations (within a Conservation Area).

The proposed works include the refurbishment of toilets including a new wheelchair accessible toilet; an office/reception area and new storage area and fire escape within the external well at the rear of the building. A flag pole and defibrillator unit will also be incorporated at the front of the building.

History of negotiations/amendments received

Negotiations between the officer and agent took place due concerns raised by Conservation and Design regarding the proposed first floor office window located behind the fire escape. Amendments were received accordingly on 01/01/2020.

Relevant Planning History

2019/93638 – Listed Building Consent for erection of roof over rear well to create enclosed space, erection of rear fire escape and interior and exterior alterations (within a Conservation Area) – allied application recommended for grant consent.

Representations

Final publicity date Expires:

Neighbour letters expire 8th December 2019; site notice expires on 20th December 2019; press advertisement expires 13th December 2019.

As a result of the above publicity, an objection was received highlighting that during previous works to the civic hall, a lack of care and trespassing onto third party land caused a financial impact due to damage, noise disturbance and air pollution to the occupants living on Hightown Lane.

Officer comment: This is a private matter that the Local Planning Authority cannot control.

Parish/Town Council comments:

Holme Valley Parish Council – unable to comment as the Parish Council owns this building and hence has pecuniary interest.

Consultation Responses

Conservation and Design – concerns were raised in regards to the proposed first floor office window located behind the fire escape and instead a single window inserted adjacent to the existing rear exit door in this room is suggested or alternatively a vertical window on each side door.

Policy

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

The site is located within the Holmfirth Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highway Safety and Access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 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 19th February 2019, 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 12 – Achieving well-designed places**
- **Chapter 16 – Conserving and enhancing the historical environment**

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations

6) Conclusion

Principle of development:

The site is located within the Holmfirth Conservation Area on the Kirklees Local Plan.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Furthermore this relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

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'.

This harm will be assessed and discussed later in the report.

The host property is also a Grade II Listed Building (Historic England Ref: 1227986) meaning that the application is to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

'In considering whether to grant Listed Building Consent for any works, 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.'

The properties listing description is set out below.

Civic Hall. 1842. Ashlar. Flat roof with moulded eaves cornice and blocking course. Two storeys. South-east elevation: 3 central bays of tall windows, with glazing bars, to each floor, the upper floor having stone surrounds and set in shallow recessed panels. Between floors is deep ashlar string course. To each side of central part of side wings of one bay which breaks forward and has a single light to each floor. Two entrances: one to inside of each projecting wing. North-east elevation: ground floor has 5 blind window openings. First floor has tall, central, 3-light window with moulded decoration. Boundary wall returns to building. Two massive, square ashlar corner posts with moulded caps. Two similar gate piers with iron overthrow.

Paragraph 190 of the NPPF states that:

'Local planning authorities are to identify and assess the significance of any heritage asset that may be affected by a proposal... they should take this into account when considering the impact of a proposal on a heritage asset's conservation and any aspect of the proposal.'

Paragraph 192 goes on and states that Local planning authorities should consider:

'the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness' when determining these applications.

Additionally, Chapter 2 of the NPPF states that:

'Planning policies and decisions should play an active role in guiding development towards sustainable solutions...'

In line with the NPPF, policy LP1 states:

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

Whilst the consideration of the heritage assets is acknowledged, policy establishes a strong principle in favour of development that improves the conditions of the area. A detailed consideration of the impact on the heritage assets will be considered below. In this instance, it can be stated that the principle of development of this application is acceptable and as such, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Impact on visual amenity and heritage:

The host building is Grade II Listed and the site is located within the Holmfirth Conservation Area

Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings and conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the heritage significance of heritage assets. Additionally, LP35 and NPPF Chapter 16 outline the principle of development and restrictions for development in Conservation Areas.

In this case, given that the main works would be carried out on the least prominent elevation of the building and the proposed roof will be set below ground level it is considered that there would be negligible impact to the

character of the building. Further, the erection of a fire escape adjacent to the rear well facilitates an increase in capacity in the first floor meeting room. Whilst the works are fairly obtrusive the staircase is located on the rear of the building in an area of low significance. Whilst there are concerns regarding the siting of the structure in front of an existing window but this is as a consequence of the site constraints. The intervention of a large escape structure will lead to less than substantial harm to the character of the building and, on balance, it is considered that the public benefits in improving safety and enabling a sustainable use for the upper floor space outweighs the harm. Conservation and Design raised concerns about the proposed first floor office window located behind the fire escape and suggested that a single window is inserted adjacent to the existing rear exit door in this room or a vertical window on each side of the door. A revised drawing was submitted showing a modified window in the same position with a design that harmonises well with the overall rear appearance which on balance satisfies Conservation and Designs concerns.

The proposed flag pole and defibrillator, given their small scale, are also not considered to be overly prominent in the street scene. The internal alterations are also considered to respect and enhance the Listed Building.

The development would ensure that significant architectural features would be unaffected, the proposal(s) are not considered to have any substantial adverse impacts to the Listed Building or the visual amenity of the area.

Further consideration will be given to the impact on the listed building in the allied LBC (2019/93638). For the purposes of S66 and S72 officers are satisfied that the development will not cause harm.

In conclusion it is considered that the proposed development would not result in harm in terms of visual amenity of the site nor the setting or appearance of the Listed Building or Holmfirth Conservation Area. Where there is harm this is not considered significant and can be justified in this instance.

As such, the proposal would comply with LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Impact on residential amenity:

Section 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’.

Regarding the proposed fire escape and roof over well to form enclosed space, these would be located approximately 5 metres from the rear of nos. 20 and 22 Hightown Lane. It has been considered that the proposals would not drastically change the existing relationship(s) between these properties and the Civic Hall in terms of overbearing, overshadowing or overlooking, as

given the topography of the land that these sites sit on, no.20 and 22 are on slightly higher land than the applicant site.

Considering the above, the proposals are considered to comply with section B and C of LP24 of the Kirklees Local Plan and therefore are acceptable in terms of residential amenity.

Impact on highway safety:

The proposed development relates to the erection of roof over rear well to create enclosed space, erection of rear fire escape and interior and exterior alterations which is considered not interfere with any areas of parking or access. The provision of parking therefore remains unchanged, and as a result of this, there are no concerns regarding matters of highway safety in accordance with LP21 and LP22.

Other matters:

Concerns have been raised from regarding trespassing on third party land; this is not a material planning consideration and therefore this does not impact on the final decision.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2019/93637

Officer Recommendation: Approve

Conditions and Reasons

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.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Views as Existing and Proposed	1825-03	1	01/01/2020
Basement and Ground floor as Existing	1825-01	1	06/11/2019
First and Second Floor as Existing	1825-02	2	01/01/2020
Ground floor as Proposed	1825-04	1	06/11/2019
First and Second Floor as Proposed	1825-05	2	01/01/2020

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. Negotiations between the officer and agent took place due concerns raised by Conservation and Design regarding the

proposed first floor office window located behind the fire escape.
Amendments were received accordingly on 01/01/2020.

Report Dated: 09/01/2020