

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: 2020/70/93674/W

Site Address: Gill Birks Farm, 5, Gill Birks, Meltham, Holmfirth, HD9 4DZ

Description: Variation of condition 2. (plans and specifications) on previous permission no. 2020/91235 for erection of extension and alterations to attached garage/workshop to extend living accommodation (Listed Building within a Conservation Area)

Recommending Officer: William Simcock

DECISION – Approve Variation of Conditions

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 26-Jan-2021

Officer Report 2020/93674

Gill Birks Farm, Meltham

Site Description

Gill Birks Farm is a farmhouse with attached barn, having an L shaped footprint. The building is faced in stone with slate roofing. Within the right-angle formed by the 'L' is surfaced parking, with the surrounding land being garden. Access is taken via an unadopted lane that also serves 9 Gill Birks which is to the east – besides this property, the site is surrounded by open fields and a golf course.

Gill Birks Farm falls within the Wilshaw Conservation Area and is Grade 2 Listed (excluding the barn, although it is deemed listed by association), with the following listing description;

Farmhouse. Early C19, with recent alterations. Hammer dressed stone. Stone slate roof. Two storeys. Near central doorway possibly altered. To left is former 7-light window, with one blocked light, giving one 2- light and one 4-light window, to right is one 5-light window. At 1st floor level are five 3-light windows. Rear elevation is altered. Barn to left is altered and not included in the item.

Description of Proposal

The proposal is for variation of condition (2) concerning plans and specifications on previous permission 2020/91235 which was for the erection of an extension and alterations to an attached garage / workshop to extend living accommodation (Listed Building within Conservation Area). The extension would replace a wooden shed to the northern elevation. The following changes are made:

- The enclosure of the first-floor terrace to provide an enlarged master bedroom with sliding glazed doors and a Juliet balcony on the gable end and a masonry wall with a picture window in each side;
- Ground floor windows in gable end replaced with bi-fold door;
- Addition of canopy porch to corner;
- 4 additional roof lights;
- One additional window at first floor in the south elevation.

History of negotiations/amendments received

10-Dec-2020: Amended plans received.

These were not subject to new publicity since the changes were not considered to raise substantial new issues that would require the opportunity for public comment.

Relevant Planning History

2020/91235: Erection of an extension and alterations to an attached garage / workshop to extend living accommodation (Listed Building within Conservation Area). Approved, not implemented.

2020/91236: Listed Building Consent for erection of extension and alterations to attached garage/workshop to extend living accommodation (within a Conservation Area) (Modified Proposal) – Consent Granted, not implemented.

Representations

Final publicity date expires: 23-Dec-2020. The application was advertised as affecting the setting of a Public Right of Way in addition to the setting of a Conservation Area and Listed Building.

Meltham Town Council – The Council noted the application.

One representation received from other third parties.

- The planning notice suggests it may have an impact on the public right of way MEL 41/50 which passes close to the southern boundary of the property. Is this correct and can you advise what impact it will have on the route?

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

Conservation & Design (comments on amended plans) – Approve

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 within the Green Belt on the Local Plan. It is also within the Wilshaw Conservation Area and is a Grade II Listed Building.

Local Plan:

- LP 21:** Highways 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 24th July 2018, 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 12 – Requiring good design
- Chapter 13 – Protecting Green Belt land
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: The site is within the Green Belt in the Local Plan. The extension element in the proposal is very small compared to the original building, no additional footprint is being created as a result of the changes, and it is considered that the enclosure of the former terrace would not result in any adverse impact on the openness of the Green Belt and would allow the original building to remain the dominant element as required by LP61 and NPPF Chapter 13.

The main aspects of the proposal to be considered, then, are the extent to which it would represent good design appropriate to its setting as required by Policies LP24 and LP60, having regard to the need to conserve or enhance the significance of the Listed Building as set out in Policy LP35 and Chapters 12 & 16 of the NPPF.

2 –Impact on visual amenity and heritage value of building: Paragraph 130 of the NPPF states that “...Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

The host building is Grade 2 Listed, with the barn being listed by association, and the site is located within the Wilshaw Conservation Area. Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduce a general duty in respect of listed buildings and conservation areas. In considering whether to grant planning permission for development which affects a listed building, its setting or the setting of a Conservation Area the LPA should give special attention to the desirability of preserving or

enhancing the character or appearance of heritage assets. Additionally, LP35 and NPPF Chapter 16 outline the principle of development and restrictions for heritage asset development.

The proposal has been modified during the application process; the pattern of glazing divisions in the northern elevation has been changed so that the ground and first floors match each other and the porch changed from a solid structure to a canopy.

It is considered that the amendments to the design of the extension would give it a more cohesive appearance. There would be more glazing in the north-facing elevation but less in the side elevations, and it is therefore considered that the east side elevation would appear more harmonious when seen in the context of the existing eastern side elevation.

It is considered that the other changes (including the canopy porch) are modest in scale and would respect the character of the building. The rooflights must be of conservation style (flush or recessed) – this can be conditioned.

In conclusion, having regard to the requirements of paragraph 130 above and the other LP and NPPF policies listed in Section 1 of the Assessment, all aspects of the proposed variation of condition are acceptable as they would preserve and enhance the significance of the Listed Building and visual amenity.

It is noted that a separate listed building consent would be required for the works and whilst one has not currently been submitted it has been brought to the applicants attention and a note with respect to this will be attached to the decision notice for information.

3 – Impact on residential amenity: The proposed changes would not adversely affect any other residential property.

4 – Impact on highway safety: The changes do not have any implications for highway safety.

5 – Other matters:

Biodiversity:

The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. The standard precautionary note will be added to the decision notice.

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 pre-dates 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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for the modification of an existing permission for the adaptation of an existing building, it is considered that the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations:

The comments made are highlighted here with officer response:

- The planning notice suggests it may have an impact on the public right of way MEL 41/50 which passes close to the southern boundary of the property. Is this correct and can you advise what impact it will have on the route?

Response: The development will not in itself have any impact on the PROW. Advertising it as potentially affecting the setting of a PROW is a standard precautionary measure.

7 – 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: 2020/93674

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun on or before 2 July 2023.

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 with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity, to preserve the significance of designated heritage assets and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. The hereby approved rooflights shall be of a conservation style and shall be installed flush with the roofline so they do not protrude above.

Reason: In the interest of visual amenity and so as to sustain the significance of the heritage asset, and those surrounding, to comply with LP24 and LP35 of the Kirklees Local Plan as well as Chapters 12 and 16 of the National Planning Policy Framework

NOTE: It is brought to the applicant's attention that Listed Building Consent is required for the alterations approved via this planning permission. Listed Building Consent should be applied for before any works pursuant to this application commence.

NOTE: The Council's Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			30-Oct-2020
Grouped plans and elevations	(PL) 02	G	10-Dec-2020
Heritage statement	1667		30-Oct-2020
<i>Plans and Information Approved via application 2020/91235</i>			
Existing Grouped Plans and Elevations	(0-) 01	Rev. C	27.04.2020
Supporting Information	Design and Access Statement		27.04.2020
Supporting Information	Heritage Impact Assessment		27.04.2020

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 Planning 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. The case officer undertook negotiations with the applicant to secure amended plans so as to ensure the development would conserve the character and significance of the Listed building.

Report dated:

25-Jan-2021
