

**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: 2020/62/94336/W
Site Address: 63, Huddersfield Road, Meltham, Holmfirth, HD9 4AF
Description: Demolition of dwelling (within a Conservation Area)
Recommending Officer: Ellie Worth

DECISION – Conditional Full Permission for relevant demolition within a Conservation Area.

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 10-Mar-2021

Officer report

Site description

63 Huddersfield Road is a small two storey end terraced cottage constructed in hammer dressed stone and, until recently, a stone slate roof. It appears from historic maps to date from the mid-19th century or earlier and is situated on the main road through the Meltham Conservation Area. To the East is an access track which leads to the properties to the rear of the site.

Surrounding the site is a mixture of residential and commercial properties, due to its edge of centre location. Furthermore, the other cottages in the terrace row are also Grade II listed.

Description of development

The proposal is for planning permission for relevant demolition in a conservation area comprising the demolition of the building. The applicant's justification for this operation is that the building is in danger of collapsing. Further details have been provided within the structural survey submitted with the application.

Following demolition it is proposed to restore the site with a mixture of hardstanding and soft landscaping, along with the construction of a low-level coursed stonework wall, with a set of black low-level railings.

History of negotiations/amendments received

Officers have entered into discussions with the agent regarding further justification for the works proposed. As such a structural inspection report was received on the 1st March 2021.

Relevant Planning History

None at the application site.

Representations

The application has been advertised by site notice, neighbour notification letters and the press.

Final publicity expires: 27th February 2021.

As a result of the above publicity, no representations have been received.

Meltham Parish Council: The Council cannot support the application for the reasons set out in the report from the Kirklees Council's conservation officer and notes the cottage makes a positive contribution to the conservation area, no justification has been provided for its demolition, no evidence has been provided that the applicant has considered alternatives for the building (repairing and rebuilding) and no structural report has been provided to demonstrate that it is beyond repair.

Comment: These concerns have been noted and a structural report has been submitted, in order to justify the works proposed.

Consultation Responses

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

KC Conservation and Design: Justification has now been provided to support the scheme, which states that the cottage should be demolished immediately. As such, the safety concerns are considered to provide sufficient public benefits that outweigh the harm. Therefore, no concerns are raised, subject to conditions being attached to the decision notice.

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 situated within Meltham Conservation Area and is attached to 61 Huddersfield Road, a Grade II Listed Building.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP21 – Highway safety and access
- LP24 – Design
- LP30 - Biodiversity
- LP35 – Historic environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- 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
3. Impact on residential amenity
4. Impact on highways
5. Other matters

- 6. Representations
- 7. Conclusions

1. Principle of development

The site is located within Meltham Conservation Area on the Kirklees Local Plan. Furthermore the site adjoins Grade II listed buildings. Therefore, Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states “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”.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district.

2. Impact on visual amenity and heritage

As outlined above, 63 Huddersfield Road is a small two-storey end terrace cottage constructed in hammer dressed stone. Due to the age, construction, materials and architectural detailing of 63 Huddersfield Road, along with its prominence, this cottage is considered to positively contribute to the character and significance of Meltham Conservation Area.

As such, weight has been afforded to paragraph 201 of the NPPF which states that *“ loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”*.

As outlined above, the cottage is acknowledged for making a positive contribution to the significance of the conservation area. Therefore, clear and convincing justification needs to be provided for its demolition, with public benefits being provided to outweigh the harm. In this case the harm is deemed to be less than substantial taking account of the contribution the building makes to the character and significance of the conservation area.

In this instance, the applicant’s public benefits are the health and safety concerns, due to the collapse of the roof and the instability of the chimney and gable. A structural survey has been submitted on the 1st March 2021, to justify

and support this statement which recommends that the cottage is demolished 'immediately'. For these reasons, and in discussion with KC Conservation and Design, it is considered the public benefits of health and safety outweigh the harm caused to the significance of the conservation area and therefore on balance, it is reluctantly accepted that the building be demolished.

The Design, Access and Heritage Statement states that following the demolition, the footprint of the building will be landscaped with a mixture of hardstanding and soft landscaping, with a low-level coursed stonework wall with stone toppings and a set of black low-level railings to match the front boundary of the adjacent properties. This has been considered an acceptable response to the restoration of the site following the demolition of the building and therefore a condition will be attached to the decision notice accordingly; in the interests of visual amenity and the significance of designated heritage assets.

Furthermore, a condition regarding the methodology for restoring the gable wall of 61 Huddersfield Road (Grade II listed) shall be attached to the decision notice. KC Conservation and Design would also wish to see the stone copings and kneeler from the gable end of 63 Huddersfield Road to be taken down carefully and reinstated on the front pitch of the gable of 61 Huddersfield Road, with new copings to make up the length if required. The details shall match that of the rear roof pitch of 61 Huddersfield Road, with all stonework bedded on lime mortar with the appropriate lead flashings and detailing. (Full details of the treatment of 61 Huddersfield Road must be submitted as a Listed Building Consent application).

Subject to the above, the proposal is considered to comply with the aims of Policy LP24 and LP35 of the KLP and Chapters 12 and 16 of the NPPF.

3. Impact on residential amenity

It is considered that the proposal has no implications for residential amenity, however, a note will be attached to the decision notice regarding the appropriate hours of construction/demolition in order to minimise noise disturbance at nearby premises.

4. Impact on highway safety

It is considered that the proposal would not impact negatively on highway safety in any way and would accord with the aims of Policy LP21 of the Kirklees Local Plan. This is due, to the slight lines for vehicles leaving the courtyard area to the rear, being vastly improved especially to the right. There will also be a benefit to the public using the footway to the front of the row of cottages, as they will be able to see vehicles leaving the site more sooner than at that present.

5. Other matters

Biodiversity

It is recognised that the site is located within a bat alert area. However, at the time in which the site visit was undertaken, it was apparent that the roof had already collapsed. As such, the works are unlikely to have any impact upon

roosting bats, however, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licenced bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures. However, it has been noted that some of the stonework from the demolition of no. 63 will be kept and re-used to create the low level boundary wall.

6. Representations

No representations have been received.

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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/94336

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. Within one month of substantial demolition of the building, a scheme for the methodology for the restoration of the gable wall of no. 61 Huddersfield Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the timeframe for the submission of an application seeking Listed Building Consent for the works and a timetable for the implementation and completion of these works once approved. The restoration scheme for the gable wall of no. 61 Huddersfield Road shall thereafter be undertaken in accordance with the details so approved.

Reason: To ensure that the restoration of the site following the demolition of the building conserves the appearance and character of the Meltham Town Centre Conservation Area and the setting of the adjacent Listed Buildings, and to accord with the aims of Policies LP24a and LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework.

3. Notwithstanding the requirements of condition 2, the stone copings and kneeler from the gable end of no. 63 Huddersfield Road shall be taken down carefully, retained and subsequently reinstated on the front pitch of the gable of 61 Huddersfield Road, with new copings to make up the length if required. The details shall match that of the rear roof pitch of the existing no. 61 Huddersfield Road, with all stonework bedded on lime mortar with the appropriate lead flashings and detailing.

Reason: To ensure that the restoration of the site following the demolition of the building conserves the appearance and character of the Meltham Town Centre Conservation Area and the setting of the adjacent Listed Buildings,

and to accord with the aims of Policies LP24a and LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework.

4. Within one month of the demolition of the main building having been substantially completed, details of the restoration of the site, to comprise a hard and soft landscape scheme as set out in the submitted design and access statement, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include for elements of the existing stonework from the demolition being re-used for in the boundary walls. The submitted scheme shall also include a timetable for the implementation of the works and its future maintenance. Thereafter the restoration of the site shall be undertaken in accordance with the details so approved.

Reason: To ensure that the development conserves the appearance and character of the Meltham Town Centre Conservation Area and the setting of the adjacent Listed Buildings, and to accord with the aims of Policies LP24a and LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework.

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: Please note that the granting of planning permission does not overrule private legal 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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: Due to its location, 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.

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 (Kirklees Street Scene: 01484 221000) regarding 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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	-	-	19 th January 2021
Existing floor plan	-	-	19 th January 2021
Design, access and heritage statement	-	-	19 th January 2021
Photograph of demolition site notice	-	-	19 th January 2021
Structural inspection report	21010	-	1 st March 2021

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. In this instance, officers have entered into discussions with the agent regarding further justification for the works proposed. As such a structural inspection report was received on the 1st March 2021.

Dated 10th March 2021.