

**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: 2020/62/94411/E

Site Address: 31-33, Branch Road, Batley, WF17 5SB

Description: Replacement of windows to whole building (Within a Conservation Area)

Recommending Officer: Josh Kwok

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.

Paul Dowd

AUTHORISED OFFICER

Date: 22-Mar-2021

Officer Report

Site Description

31-33 Branch Road, Batley comprises a two-storey stone built terraced property, a courtyard and a two-storey stone-built extension to the rear. The boundary treatment comprises a mix of trees and stone walls. The character of the application property is defined by several architectural features, including a centrally positioned gable, an arch door opening with a decorative stone feature above and a stone pillar to each side. The property was previously used as an office but is now converted to a beauty salon.

The site and its surrounding area are characterised by a mix of retail and commercial development. The properties in this area are constructed in stone predominately. They are similar in terms of their fenestration and architectural details. To the west of the site is the churchyard of All Saints Church. The application property is at a gateway location of Batley Market Place Conservation Area.

Description of Proposal

Planning permission is sought for replacement of windows to the whole building (within a Conservation Area). Details of this proposal are available to view in the application documents.

History of negotiations/amendments received

No amendments sought on this occasion.

Relevant Planning History

2018/93900 – Change of use of ground floor office B1 to beautician Sui Generis (within a Conservation Area) (31-33, Branch Road) – Approved

Representations

This application was publicised by neighbour letter, site notice and news advert, which expired on 12-Mar-2021. No representations were received following this publicity.

Consultation Responses

No consultations were required for this application.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 Batley Market Place Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **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 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 highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

2 – Impact on visual amenity and historic environment:

The proposal seeks to replace all existing UPVC and wooden single glazed windows with dark grey UPVC double glazed windows. There would be no significant changes to the overall appearance of the existing building on site.

The replacement windows would be of the same design as the existing windows, meaning that the potential of impact on the traditional appearance of this building would be minimised. The buildings in this location all seem to have white colour window frames made of either timber or UPVC. The colour of the replacement windows is admittedly different from that of the existing windows but not anticipated to have an adverse impact on visual amenity.

In terms of the impact on the conservation area, it is considered acceptable on this occasion, for the existing building already has UPVC windows. This means replacing the existing single glazed wooden window could be done pursuant to Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Furthermore, given the proposed design is to match the existing design of the windows of this building. The traditional frontage of this building would be retained. Overall, therefore, officers find that the proposed development would have no material effect on the significance of the Batley Market Place Conservation Area.

As well as this, to support the development concerned, would assist in improving the energy efficiency of the existing building within the conservation area and ensure that it would appeal to a wide range of potential uses in the future. This would be beneficial to the conservation area.

On this basis, officers are satisfied that the proposal accords with policies LP24 and LP35 of the KLP and chapter 12 and 16 of the NPPF. It could be supported from visual amenity and heritage conservation perspectives. To ensure a satisfactory appearance of development is achieved on completion, however, a condition should be imposed to stipulate the colour and design of the proposed windows and require that they be retained thereafter.

3 – Impact on residential amenity:

The proposal seeks only to replace the existing windows with new windows. No other external alterations to this building are proposed in this application. Given the nature of this development, it is considered that the proposal would not give rise to any residential amenity issues. It complies with policy LP24(c) of the KLP.

4 – Impact on highway safety:

The development, by reason its scale and nature, is considered to have no adverse implications for highway safety and parking. The proposal conforms to policies LP21 and LP22 of the KLP.

5 – Other matters:

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.

The proposal seeks to improve the energy efficiency of the existing building by replacing the existing single-glazed windows with the proposed double-glazed windows. To permit this development would contribute positively to reducing carbon emissions. It could be supported in terms of its impact on climate change.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations were received following the statutory publicity.

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: 2020/94411

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 to ensure the satisfactory appearance of the development on completion, to preserve the significance of the Batley Market Place Conservation Area, in accordance with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. All existing windows shall be replaced by dark grey UPVC double-glazed windows as shown in the approved Design and Heritage Statement prepared by Inspire Planning Solutions received on 26-Jan-2021. The replacement windows shall thereafter be retained.

Reason: In the interests of visual amenity, to ensure the satisfactory appearance of the development on completion, to preserve the significance of the Batley Market Place Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing elevations	PLN-EXT A3L-3		26-Jan-2021
Existing first floor plan	PLN-EXT A3L-2		26-Jan-2021
Existing floor plan and location plan	PLN-EXT A3L-1		26-Jan-2021
Design and heritage statement			26-Jan-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 Authority has, 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 amendments were sought in this instance, as the development is considered acceptable in its current form, subject to planning conditions.

15-Mar-2021

Report Dated: dsfffsdf