

**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:	2021/62/93491/W
Site Address:	Midway House, 51 & 53, Huddersfield Road, Meltham, Holmfirth, HD9 4AF
Description:	Demolition of existing extensions, change of use and alterations to offices to form 2 dwellings and formation of parking (Listed Building within a Conservation Area)
Recommending Officer:	Stuart Howden

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 1st July 2022

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Officer Report

Site Description

Midway House, 51 & 53 Huddersfield Road, Meltham, Holmfirth, HD9 4AF

Midway House is a Grade II listed three-storey end of terraced building. This weaver's house, dating back to the early 19th Century, is constructed from hammer dressed stone with ranges of mullioned windows, a stone slate roof and a symmetrical façade. To the rear of the building is a relatively long single storey extending element. Vehicular access to the site is off Huddersfield Road to the west of Midway House, and this access leads to a courtyard area to the rear of the building. This access is shared with other properties. The building appears to be in an office use.

The site is within the Meltham Conservation Area and is adjacent to the Grade II listed building of 55,57,59,61 Huddersfield Road. The site is located just outside Meltham District Centre, which is to the west, and there is a mixture of commercial and residential uses within the immediate vicinity.

Description of Proposal

Planning permission is sought for demolition of existing extensions, change of use from and alterations to offices to form 2 dwellings and formation of parking.

The proposal involves converting the building into two residential dwellings, one (the most westerly) accommodating 2 bedrooms, and the other (the most easterly) accommodating 3 bedrooms.

As part of the conversion, external alterations are proposed to the building. As well as the demolition of the rear extension, this also includes a conservation rooflight on the rear roof pitch as well as new openings to the rear at ground floor level.

The demolition of the rear extensions is proposed to provide private amenity space for each dwelling as well as car parking at the rear of the building (2 per dwelling).

The repositioning of the front boundary wall at the side of the front garden is proposed to improve sight lines for vehicles exiting the rear yard and to provide a bin collection area.

The reconfiguration internally is proposed, but this is not subject of this planning application. However, this will be assessed under the listed building application which has been submitted alongside this application for planning permission (LPA ref: 2021/93492).

History of negotiations/amendments received

Officers requested a highways statement, and this was later submitted by the applicant's agent and was considered satisfactory. Revised plans were also submitted omitting a second floor window and replacing with a rear rooflight and such a change is considered acceptable. A revised site plan and Heritage Statement were also submitted.

As this additional information did not materially alter the siting, form and appearance of the building, it was not considered necessary to re-consult following the receipt of this (i.e. no third party would be prejudiced).

Relevant Planning History

2020/92846 – Outline application for erection of residential development and demolition of outbuilding – Withdrawn.

2020/92847 – Alterations to convert offices to 2 dwellings, demolition of extensions and formation of parking – Withdrawn.

2020/92848 – Listed building consent for alterations to convert offices to 2 dwellings, demolition of extensions and formation of parking – Withdrawn.

2021/93492 – Listed building consent for demolition of existing extensions and alterations to offices to form 2 dwellings and formation of parking – Pending consideration. This application was submitted alongside this planning application currently being assessed by Officers.

2021/93604 – Outline application for erection of residential development – Pending consideration.

2021/93622 – Partial demolition, change of use and alterations to form dwelling – Pending consideration.

Representations

Final publicity date expires:

Neighbour Letters expired on 13th October 2021; Site Notice expired on 7th October 2021; Press Notice expired on 15th October 2021.

No comments were received.

Consultation Responses

Meltham Town Council: No comments received.

West Yorkshire Archaeology: Requested watching brief.

Historic England: No objections raised.

KC Conservation and Design: No objections subject to conditions.

KC Environmental Health: No objections subject to conditions.

KC Highways Development Management: No objections subject to conditions.

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 unallocated within the Local Plan.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highways Safety and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 43** – Waste Management Hierarchy
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed places

- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Considerations:

- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including the impact upon the historic environment)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is within the Kirklees Rural Sub Area. The listed qualities will be considered where relevant later in this assessment.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Kirklees Local Plan Policy generally seeks to support residential development upon unallocated sites.

In respect of the loss of the office use, the site is unallocated and is not within a priority employment area, and is also outside the designated District Centre. The principle of the loss of the office use and its replacement with a residential use could therefore be acceptable in this instance, but this is subject to an assessment of other considerations which will be discussed in detail below.

In respect of density of development, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 1-2 dwellings, and two dwellings are proposed here. Thus, the quantum of development could potentially be acceptable.

2 – Impact on visual amenity (including the impact upon the historic environment):

The site comprises a Grade II listed building, is adjacent to a Grade II listed building and is within Meltham Conservation Area.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, 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.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy 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.”*

On the matter of design, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24(a) states that proposals should promote good design by ensuring: *“The form, scale, layout and details of all development respects and enhances the character of the townscape”*

Paragraph 129 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 134 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted Housebuilders Design Guide SPD.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

In respect of Principles 5 (development relating to building line) and 15 (relating to roofline) of the Housebuilders Design Guide, as the proposal relates to the conversion of an existing building, these principles are not considered to be highly relevant to the assessment of this application.

In terms of the demolition of the rear extension element, to create space for amenity and parking, the Council's Conservation Officer outlines that the northern most element of this extension was constructed in the late 20th Century and the Conservation Officer considers this element to have a low level of significance. Officers concur and like the Conservation Officer, consider the demolition of this element is acceptable and would not cause harm to the significance of the listed buildings and conservation area.

The single storey extension element attached to the rear of the main body of the dwelling appears to date back to the 19th Century. The Conservation Officer notes that this element retains architectural features such as the ashlar door surrounds, gutter corbels, stone slate roof and chimney stack. The Conservation Officer states that the Heritage Assessment provides justification for the demolition of these extensions by fully assessing their levels of significance and concluding that they have low to medium value. The Conservation Officer states that their removal will reveal the preserved stone elevations of the weaver's house, enhancing the significance of this heritage asset and revealing the original fabric. Officers concur with this assessment.

The Conservation Officer has requested conditions in relation the demolition of the extension and the treatment of the rear wall and these can be attached to a decision notice for listed building consent (as noted, there is a pending, simultaneous listed building application at the site – 2021/93492).

In terms of the external alterations to the building, no alterations are proposed to the principal elevation. A conservation roof light is proposed on the rear roof pitch above a new en-suite. The Conservation Officer has stated that this will provide natural light and ventilation into the space without causing damage to the architectural detailing of the former loading doorway on the rear elevation. Officers are looking to attach a condition to the corresponding listed building consent application (ref: 2021/93491) for the rooflight to be a conservation rooflight as advised by the Conservation Officer.

The reinstatement of an existing infilled doorway on the rear elevation is proposed to provide access to one of the two units, with the doorway into the extensions reinstated as an external doorway. New timber external doors are proposed, and whilst there are no objections to this, the Conservation Officer has requested that details of these are submitted for approval. The Conservation Officer has also requested that these are of a timber vertical boarded condition, and these are set approximately 100mm into the reveal. Such a condition has been attached to the corresponding listed building consent (ref: 2021/93491).

Principle 12 of the Housebuilders Design Guide SPD relates to car parking and outlines that parking should not dominate street frontages. Regarding the formation of car parking, this is proposed at an area to the rear of the building, which is currently used for parking, and the Conservation Officer has noted that this is acceptable as there is no change in function, and this is considered to be in accordance with Principle 12 of the SPD. The Conservation Officer

outlines that where parking is proposed, the existing tarmac is removed and replaced with setts, with the paved garden areas finished in stone flags to reflect the stone character of this historic yard. Further detail of hard landscaped area can be conditioned to ensure a high quality finish.

Details regarding means of enclosure/boundary treatments are limited, and further details of these can be conditioned so as to ensure a high-quality finish which preserves the significance of the heritage assets.

The repositioning of the front boundary wall at the side of the front garden is proposed to improve sight lines for vehicles exiting the rear yard and to provide a bin collection area. The existing wall is aligned with the gable end of the building and is approximately 1m high, constructed in coursed hammer dressed stone with quoins at the front corner and stone slab copings. It is proposed to set the wall 1m to the east, into the front garden, with the removal of a small section of the symmetrical front boundary wall. This wall is constructed from large vertically bedded ashlar slabs and this alteration will lead to slight harm to the significance of the listed building by altering a historic boundary feature. However, it is understood that a bin collection area is required at the front of the building, and this will provide this without cluttering the footway of Huddersfield Road.

Given the above, the works proposed are relatively minor and are considered to have a limited impact upon the visual amenities of the locality. However, it is considered that the proposal would cause less than substantial harm to the significance of the Grade II listed building of Midway House and the Meltham Conservation Area due to the changes to the front boundary and the loss of the 19th Century element of the rear extension. However, given the minor nature of the works proposed, it is considered that the proposal would not harm the significance of the neighbouring Grade II listed building to the east (55,57,59,61 Huddersfield Road).

As outlined in Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that the harm caused by the demolition of the mid-19th Century addition is outweighed by the public benefits of revealing the historic fabric of the original weaver's house. Further to this, the proposal would return the building into a residential use and give the building a viable and sustainable use, and the movement of the front wall would improve the safety of the access. These public benefits combined are considered to outweigh the less than substantial harm to the significance of Midway House and Meltham Conservation Area identified.

It is noted that KC Archaeology have requested a watching brief for this application. However, given the nature of the development in this case and that this is not proposing further hard surfaced areas or buildings, such a condition is not considered proportionate or reasonable in this instance.

Given the above, subject to conditions, it is considered that the proposal would comply with Kirklees Local Plan Policies LP24 and LP35 and Chapters 12 and 16 of the National Planning Policy Framework, as well as principles within the Kirklees Housebuilders Design Guide SPD.

3 – 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.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

No.55 Huddersfield Road is attached to Midway House to the east, whilst there are residential dwellings to the west (33-35 Huddersfield Road) and to the north west/rear.

The proposal would not result in an extension to the existing building, and would in fact result in a reduction in the overall scale of the building given the demolition of the rear aspect. New boundary treatment is proposed, and it is unclear how high this is proposed to be, but it is considered that subject to being an appropriate height (details of which can be conditioned), it would be sufficiently sited so as to prevent undue harm to the amenities of No.33-35 Huddersfield Road (which at ground floor serves a café, not a residential use) and the properties to the north west in terms of loss of outlook and loss of light.

The realignment of the front wall is considered to be a negligible alteration that would not unduly harm any neighbouring properties in terms of loss of light or loss of outlook.

No new windows are proposed within the front or side elevations. Whilst new openings are proposed in the rear elevation, these are at ground floor elevation and views of other properties from these would likely be mainly screened by means of enclosure. In addition, there are already openings within this elevation. Whilst a new rooflight is proposed in the rear roof slope, it is considered that views from this would not be materially different to those already gained from rear facing windows within the building that are above ground floor.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

In relation to the 3 bedroom dwelling proposed, the proposal would comply with the minimum recommended gross internal floor area within NDSS for a three storey 3 bedroom dwelling.

Moving on to the 2 bedroom dwelling proposed, this would fall short of the minimum recommended gross internal floor area within the NDSS for a two storey 2 bedroom dwelling. It is acknowledged that the NDSS does not provide figures for three storey 2 bedroom dwellings, but this two storey figure of 70sqm is considered to be good guidance in assessing the standard of amenity for proposed occupiers. That being said, given that this proposed unit would only be ~4sqm below this minimum recommendation in the NDSS and that the proposal would secure public benefits in giving this Grade II listed building a long term viable use, it is considered on balance, that the level of floor area within this dwelling is acceptable.

Both gardens would be relatively small, especially the one serving the two bedroom dwelling to the west. That being said, the site is located close to the centre of Meltham where a number of properties do have smaller gardens, and on balance, the private amenity space provided is considered acceptable for the proposed dwellings.

The Council's Environmental Health Officer has requested a condition that before construction work commences, a report specifying the measures to be taken to protect the development from noise from road traffic on Huddersfield Road, and nearby commercial and licensed premises shall be submitted and approved by the LPA. This can be attached should permission be granted so as to ensure a good standard of amenity for future occupiers.

Thus, on balance, it is considered that the proposal would provide future occupiers of the development with an adequate standard of amenity.

As noted in the planning history section of the report, there are applications for residential development to the rear of the site which are pending consideration. Should these be approved, it is considered that this development would be sufficiently sited so as to prevent undue harm to amenity of these proposed properties

Officers consider that the proposed development is acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework, as well as Principles 6, 16 and 17 of the Kirklees Householders Design Guide SPD.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy LP21 of the Kirklees Local Plan echoes this.

As outlined within the planning history section of this report, this application is running simultaneously with an application for 4 new dwellings to the rear of the site (LPA ref: 2021/93604) and an application to convert the barn to the rear into a dwelling (LPA ref: 2021/93622). If this application and these two other applications were to be approved, it could result in 7 new dwellings, which would all be served by the same access off Huddersfield Road, which already serves existing properties.

All three applications are supported by a Transport Statement, prepared by Paragon Highways which includes an assessment of the site for 7 dwellings. Kirklees Highways Development Management (HDM) have assessed the proposals for overall development, and noted that they have no objections subject to conditions. That is, HDM consider that the intensification of this area to the rear of Huddersfield Road would not lead to detrimental harm to highways safety.

HDM are satisfied that the amended access into the site is acceptable for such a development, but have recommended a condition that a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. Whilst such a condition is considered more reasonable for a new build development, Officers do not consider this is necessary for an application for a conversion which includes the demolition of a single storey extension and minor alterations to the rear wall of the building.

Of note, the four parking spaces) proposed to the rear of the two dwellings (two parking spaces each) would be in accordance with guidance set out in the Highways Design Guide SPD, that 2-3 bedroomed dwellings should provide at least 2 off-street spaces.

HDM have requested a condition for detailed arrangements and specification for layout and parking. Such a condition is not considered necessary for this particular application given the detail provided, but it can be conditioned that the areas to act as private drives and parking area are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as

amended or any successor guidance. Such a condition could also note that this needs to be provided prior to the occupation of the dwellings to ensure adequate parking provision is made available before the dwellings are accommodated.

In relation to waste, a refuse area is proposed to the rear of each dwelling and therefore not prominent in the street scene. Collection is to take place to the front of the site along Huddersfield Road and space has been provided for the bins on collection days. The arrangement is considered acceptable.

Given the above, it is considered that the proposed development is acceptable from a highways safety perspective and is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology:

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

A Preliminary Ecological Appraisal (PEA) has been submitted alongside the application. In respect of the extensions to the rear of Midway House this PEA sets out from external inspection that features associated with the exterior of these extensions comprise potential access beneath stone slates, where these are of uneven width. The PEA outlines that nocturnal bat surveys were carried out and no bats emerged from the building. The PEA, which is conducted by a qualified Ecologist, concludes that the building offers low potential for use by roosting bats and that negative impacts upon roosting bats are considered unlikely. Officers see no reason to disagree with this conclusion.

In addition to this, and as noted above, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. The PEA (which also relates to another application for the conversion of the barn to the north), recommends bat and swift boxes and these can be conditioned should permission be granted.

Trees

It is considered that the proposed demolition works are a sufficient distance away from the tree to the north west so as to prevent harm to the long term health of this tree.

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.

Principle 18 of the Housebuilders Design Guide SPD states that: *“New proposals should contribute to the Council’s ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.”*

The proposal would re-use an existing building to provide housing in a town centre location. Given this, it is considered that the provision of one electric vehicle charging point for each dwelling would be sufficient in helping to combat climate change under this application. This matter could be conditioned should planning permission be granted. Subject to this, it is considered that the proposed development would comply with Principle 18 of the Housebuilders Design Guide SPD, Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Permitted Development Rights

Officers hold the view that extensions or outbuildings could result in a cramped form of development, especially given the modest scale of the garden area proposed. Whilst listed building consent would be required for extensions, residential amenity would not be considered under such an application, therefore it is considered necessary to remove permitted development rights for extensions. However, it is not considered necessary to remove permitted developments for outbuildings as the building is listed therefore planning permission would be required for outbuildings within the curtilage of the dwellings.

6 – Representations:

No representations 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 material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2021/93491

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 with Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30, LP35, LP43, LP51 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 5, 8, 9, 12, 13, 14, 15 and 16 of the National Planning Policy Framework and Principles contained within the Council's adopted Housebuilders Design Guide SPD.

3. Prior to the first occupation of the dwellings hereby approved, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the position and materials of the hard landscaping. Thereafter, the development shall be constructed in accordance with the approved details prior to first occupation of either dwelling and retained thereafter.

Reason: In the interests of visual amenity, to preserve the significance of the listed buildings and Meltham Conservation Area and to comply with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principle 2 of the Council's adopted Housebuilders Design Guide SPD.

4. Prior to the first occupation of the dwellings hereby approved, a scheme detailing the boundary treatments of all the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the position, height and materials of the boundary treatments. Thereafter, and prior to the first occupation of the dwellings hereby approved, the development shall be constructed in accordance with the approved details and retained thereafter.

Reason: In the interests of visual and residential amenity, to preserve the significance of the listed buildings and Meltham Conservation Area and to comply with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2 and 6 of the Council's adopted Housebuilders Design Guide SPD.

5. The dwellings hereby approved shall not be occupied until all areas indicated to be private drives and parking areas associated with the dwellings hereby approved on Drawing No. 2015 06 Revision B are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and Chapters 9, 12 and 14 of National Planning Policy Framework.

6. A bat box and a swift box shall be incorporated into wall of the building approved to be used in residential use; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground. The bat and swift boxes shall be provided prior to first occupation of the dwellings hereby approved and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's adopted Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

7. Prior to the commencement of development hereby approved (excluding demolition), a report specifying the measures to be taken to protect the development from noise from road traffic on the B6108 Huddersfield Road, nearby commercial and licensed premises shall be submitted to and approved in writing by the Local Planning Authority.

- a) Determine the existing noise climate
- a) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The dwellings hereby approved shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In order to provide a good standard of amenity for future occupiers of the proposed development in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Prior to the first occupation of the dwellings hereby approved, one electric recharging point shall be installed within the dedicated parking area of each dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles and to accord with Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Council's adopted Housebuilders Design Guide SPD and Chapters 9 and 15 of the National Planning Policy Framework.

9. Notwithstanding the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)), no extensions to the dwellings hereby approved shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual and residential amenity, so as to preserve the significance of the Meltham Conservation Area and listed buildings and in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2 and 6 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 16 of the National Planning Policy Framework.

NOTE: Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to 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.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484 221000 who can advise further on this matter.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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.

Plans and specifications schedule:-

Application form	-	-	2 nd September 2021
Location Plan a scale of 1:1250	-	-	7 th September 2021
Existing Floor Plans	2015-011	-	2 nd September 2021
Existing Elevations	2015-02	-	2 nd September 2021
Amended Proposed Floor Plans	2015-04	B	6 th October 2021
Amended Proposed Elevations	2015-05	B	6 th October 2021
Proposed Site Plan	2015-06	B	22 nd October 2022
Proposed Site Plan	2015-08	A	2 nd September 2021
Highway Statement by Paragon Highways dated October 2021	1719B	-	11 th October 2021
Design and Access Statement incorporating Heritage Statement	-	-	2 nd September 2021

by Northern Design Partnership dated September 2020			
Heritage Assessment - Updated by Archaeological Research Services dated November 2020	2020/170	-	17 th December 2021
Topographical Survey	NDP/369/SP	-	2 nd September 2021
Preliminary Ecological Appraisal by Middleton Bell dated 29 th July 2021	MBE/ECO/2021/20/01	-	2 nd September 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 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.

Officers requested a highways statement, and this was later submitted by the applicant's agent and was considered satisfactory. Revised plans were also submitted omitting a second floor window and replacing with a rear rooflight and such a change is considered acceptable.

Report Dated:

Coal Mining - Low

