

**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:	2021/62/93622/W
Site Address:	Concept Refridgeration Ltd Midway House, 51, Huddersfield Road, Meltham, Holmfirth, HD9 4AF
Description:	Partial demolition, change of use and alterations to form dwelling (Adj 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: 4th July 2022

Officer Report

Site Description

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

The site comprises an unlisted barn within Meltham Conservation Area, constructed from stone under a metal sheeted roof and is two storey in height. The front wall is attached to another barn building on Council records as serving No.53a Huddersfield Road. The barn subject of this application appears to be used in connection with the business 'Concept Refrigeration' who operate from No.51/53 Huddersfield Road.

The barn is set in a courtyard behind the main road of Huddersfield Road (formerly Town Gate), and is to the rear of No.51/53 Huddersfield Road. Access to the yard is via a narrow access along the side of No. 51/53 Huddersfield Road. This access is shared with other properties.

No.51/53 Huddersfield Road is Grade II listed, as is the building of No.55,57,59,61 Huddersfield Road to the south east. 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 the partial demolition and change of use and alterations to form a dwelling.

It is proposed to change the use of the barn into a residential dwelling comprising 3 bedrooms.

The partial demolition of the west side of the building is proposed so that the overall width of the building is reduced by ~2m, and this appears to be proposed to provide better access to the rear of the site. The rebuilt west wall, with materials to match the existing building, would include 4 new windows.

In addition, to facilitate the conversion of this building, other external alterations are proposed to the barn building, including:

- Re-roofing the barn with blue slate;
- The replacement of the metal barn door opening with a glazed element;
- The blocking up of the first floor window in the east elevation;
- The insertion of 5 rooflights;
- The insertion of a glazed door in the north elevation in the place of an historic opening;
- A new first floor window in the north elevation.

New windows and doors are to be timber.

A private amenity area is proposed to the rear/north of the barn, with two parking spaces proposed to the rear too. Bin storage is displayed to the rear of the proposed dwelling. Bin collection is proposed from Huddersfield Road. A driveway is proposed to be partly extended from the existing courtyard so as to access the parking spaces to the rear.

History of negotiations/amendments received

Officers requested a highways statement, and this was later submitted by the applicant's agent and was considered satisfactory. 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 proposal, 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 – Demolition of existing extensions and alterations to offices to form 2 dwellings and formation of parking – Approved.

2021/93492 – Listed building consent for demolition of existing extensions and alterations to offices to form 2 dwellings and formation of parking – Approved.

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

This application was submitted alongside other applications to convert Midway House into two dwellings and for the erection of 4 dwellings to the rear of this application site. These proposals under these other applications have been considered in the assessment of this application.

Representations

Final publicity date expires:

Neighbour Letters expired on 11th November 2021; Site Notice expired on 3rd November 2021; Press Notice expired on 12th November 2021.

No comments were received.

Consultation Responses

Meltham Town Council: No comments received.

West Yorkshire Archaeology: No objection subject to 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.

KC Ecology: No comments received.

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.
- **LP 53** – Contaminated and Unstable Land

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 partial loss of the commercial use, the site is unallocated and is not within a within a priority employment area, and is also outside the designated District Centre. The principle of the loss of the commercial 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, but a large amount of the site includes access too. The proposal for one dwelling is therefore considered acceptable here in respect of Policy LP7 of the Kirklees Local Plan.

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

The site is adjacent to 2 Grade II listed buildings and is within Meltham Conservation Area.

Section 66 of the Planning (Listed Buildings & Conservations 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 5 of the SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

The OS map of 1854 indicates that there was a cluster of buildings in this location surrounding a yard and including the listed terrace facing Huddersfield Road, a group of dwellings which include No’s. 37-49 Huddersfield Road, No’s. 4-8 Victoria Road, a large barn to the east of the yard and a smaller barn attached to this and adjacent to No. 37 Huddersfield Road. The smaller barn, subject of this application, is considered to have historic interest as a vernacular building constructed in coursed rubble stone with heavy quoins and historic openings, which positively contributes to the character of the conservation area.

In terms of siting, the proposal would utilise an existing barn building (which appears suitable for conversion), set behind buildings on Huddersfield Road and there are other examples of buildings set behind properties facing Huddersfield Road in the locality. Given the above, the siting is considered acceptable.

The proposal would also benefit from a garden area to the rear with parking there. Fencing is displayed at a height of 1.2 metre adjacent to an access proposed under this application as well as the scheme for 4 dwellings to the rear of the site (LPA Ref: 2021/93604) and this would help prevent this feature from being overly stark from this access track and prevent overly domesticating the setting of the barn so as to erode its agricultural character. However, the precise location of this fencing is unclear as is the appearance and this can be conditioned should permission be granted. For the above justification, should permission be granted, permitted development rights for new fencing (other than the fencing approved) should also be removed.

Principle 15 of the Housebuilders Design Guide SPD relates to the roofline of developments, and whilst a change in materials to the roof is proposed, there would be no change to the existing roofline.

Principle 13 of the SPD 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 terms of the partial demolition of the west end of the building, the Heritage Assessment displays that the west end of the building is a later construction, with visible construction breaks in the external walls and the northern side of this bay rebuilt in around the late 20th Century. Given the extent of alterations over time, the Council's Conservation Officer states that the Heritage Assessment provides justification for this partial demolition, which concludes that the understanding of this vernacular building as part of a historic group will still be maintained. Officers are therefore satisfied with the demolition of part of this west side of the building in principle. The use of materials to match the existing building with the rebuilding of the stone wall is considered sympathetic but further details of this shall be requested as a condition (as a sample panel) to ensure a high-quality finish.

A condition will also be attached in relation to the method of any re-pointing required.

The Conservation Officer states that although the historic roof covering is likely to have been stone slates, the proposed use of natural blue slates is an acceptable alternative as this would be an enhancement to the existing corrugated sheet roofing and will introduce a traditional material which is commonly used in the town. Officers concur with the Conservation Officer in relation to the materials to be used for the roof, but a sample of the finished material will be requested to ensure a high-quality finish

The proposal would replace two openings, one being a large barn replaced with a glazed element and a doorway being used glazed doorway. The use and retention of these historic openings is welcomed as these are considered to be an important contribution to the character of the building. That being said, the glazing of the doorway is somewhat domestic in appearance. The new first floor window on the north elevation is considered acceptable in principle and would not overly domesticate this elevation. The four windows in the west gable elevation are considered unfortunate and the quantity of windows here along with the engineered appearance in terms of siting give this elevation a domestic appearance somewhat eroding the character of the building.

The use of timber for the openings is welcomed as is it would help to reinforce local distinctiveness.

In terms of the rooflights, these are considered acceptable in principle and do not appear cluttered on the roof slope. However, these should be conservation style roof lights.

For completeness and to ensure a high-quality finish, full details of all window frames, doors and rooflights are to be conditioned.

Thus, Officers consider that the proposal would cause less than substantial (albeit minor) harm to the Meltham Conservation Area given the quantity and siting of glazing of the west gable, which would somewhat erode the character

of this building which makes a positive contribution to the significance of the conservation area.

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.

In terms of public benefits, Policy LP35 of the Kirklees Local Plan states that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, ensuring that proposals within conservation areas conserve those elements which contribute to their significance, and a sustainable future is secured for heritage assets at risk and historic farm buildings. The Conservation Officer and Officers consider that the retention of this historic barn will achieve this aim of Policy LP35. When taking this into account and that the proposal would be a relatively sympathetic one using traditional materials and would restore this historic vernacular building, the public benefits of the scheme are considered to outweigh the less than substantial harm to the significance of the Meltham Conservation Area.

In relation to the nearby Grade II listed buildings to the north of the site, it is considered that the relatively high-quality conversion and restoration of the barn will not harm the setting or significance of these listed buildings.

It is noted that KC Archaeology have requested a watching brief for this application. However, given the nature of the development in this case (a conversion) and that this is proposing minimal new hard surfaced areas, 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.”*

The existing residential properties likely to be affected by the proposed development are No.37 Huddersfield Road to the west, No.33/35 Huddersfield Road to the south west, No.55 Huddersfield Road to the south east and No.67 Huddersfield Road the north.

No.33/35 Huddersfield Road.

This building, which is in mixed use, but includes a residential property, is to the south west of the barn subject of this application. It does not appear to benefit from any private amenity space. The proposed dwelling would be in a building that already exists and would be ~27 metres away from this neighbouring residential property which exceeds the minimum recommended separation distance of 21 metres between habitable windows (as set out in the Housebuilders Design Guide SPD). Given the above, it is considered that the proposal would not cause undue harm to No.33/35 in terms of loss of privacy or overlooking, loss of outlook or loss of light.

No. 37 Huddersfield Road

No.37 is an end of terrace dwelling to the west side of the barn in a relatively similar line and as noted above, no extensions are proposed to this existing building. The side elevation of dwelling at No.37 facing towards the site is blank therefore the four windows proposed in the west side elevation of the barn would not result in an undue loss of privacy for No.37. No.37 does not appear to benefit from private amenity space to the side or rear, but has a small amenity area to the front. However, this area is already overlooked from the courtyard and other neighbouring properties and it is considered that the views of this from the side facing windows would not result in undue overlooking.

The apparent siting and height of the fencing, set off from the dwelling No.37 appears sufficient to prevent undue harm to No.37 in terms of loss of outlook and loss of light, but further details can be requested to ensure this.

No.55 Huddersfield Road

The proposed dwelling would be in a building that already exists and would be ~27 metres away from this neighbouring residential property which exceeds the minimum recommended separation distance of 21 metres between habitable windows (set out in the Housebuilders Design Guide SPD). In addition, the barn between this proposed dwelling and No.55 would help screen views of this development from the No.55 and its amenity area. Given the above, it is considered that the proposal would not cause undue harm to No.33/35 in terms of loss of privacy or overlooking, loss of outlook or loss of light.

No.67 Huddersfield Road

No.67 is a semi-detached property to the north of the barn subject of this application and set at 90 degrees to the barn.

There are no windows in the side elevation of No.67 facing towards the site, and whilst the building is close to the rear elevation of No.67, the building already exists so the proposal would not have a greater impact on the outlook from these rear windows and light these rear windows receive. Whilst new openings are proposed in the north elevation, these would be at a ~90 degree angle to the rear facing windows at No.67 so would not achieve very clear views through these windows. No.67 has no garden to its rear. The only garden of No.67 appears to be to its front, and it is considered views from windows above ground floor level to the front of No.67 would be oblique ones and largely screened by the dwelling of No.67. No windows are proposed in the east side wall.

Planned Development

As noted in the planning history section of the report, there is an application for residential development to the rear of the site which is pending consideration as well as a recently approved residential development to the front (at No.51/53 Huddersfield Road) which is currently in office use.

In relation to No.51/53 Huddersfield Road, this barn exists and any new windows in the front elevation would be ~25 metres away from the rear windows of the dwellings at No.51/53 which is considered sufficient to prevent undue harm in terms of loss of privacy (with reference to guidance in the Housebuilders Design Guide SPD which recommends a minimum separation distance of 21 metres between elevations with habitable room windows). The front elevation would also be ~20 metres from the rear garden of No.51/53 thereby preventing undue overlooking.

In respect of the development proposed to the rear of the site (LPA ref: 2021/93604 – an outline application with access and layout for consideration), Officers are satisfied acceptable separation distances can be maintained with reference to the Housebuilders Design Guide SPD should this application for the barn conversion be approved.

Noise

It is acknowledged the addition of another dwelling to the rear of Huddersfield Road would increase the amount of activity at the access and to the side of No.37. However, given the amount of development proposed (a 3 bedroom dwelling) and that vehicles can already access most of the area within the site already, it is considered that the proposal would not lead to undue harm to neighbouring residential properties in terms of noise and disturbance.

The Council's Environmental Health Officer has requested a condition in relation to restricting times for construction activities should permission be granted. However, construction is covered by other regulations therefore this

is not considered necessary or reasonable to attach such a condition, but an informative will be attached should permission be granted.

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.”*

The two storey 3 bedroom dwelling is proposed to have gross internal floor area of approximately ~92sqm, whilst the minimum recommended gross internal floor area within NDSS for such a dwelling is 84sqm, therefore the proposed dwelling is considered to provide an adequate standard of amenity. The rear garden is considered to be proportionate for a dwelling of this scale. Whilst it would not have much privacy due to the height of the fencing appearing to be proposed, this is considered to be acceptable in this case so as to retain the agricultural character of the building, and it is still considered that the occupiers would benefit from a adequate standard of amenity in this respect.

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 was submitted alongside an application for 4 new dwellings to the rear of the site (LPA ref: 2021/93604 – still pending) and an application to convert No.51/53 into two dwellings (LPA ref: 2021/93491 – approved). If this application is to be approved with the outline development to the rear being approved, this 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 have been 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 partial demolition and relatively modest engineering works.

Of note, the two parking spaces proposed to the rear of the proposed dwelling 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, Principle 19 of the Housebuilders Design Guide SPD states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. A refuse area is proposed to the rear of the 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 is to be 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 barn conversion the PEA sets out from external inspection that features with potential to accommodate roosting bats on the exterior of the building are restricted to a few holes in the joints of the masonry on three elevations. From an internal inspection of this barn, the PEA states that the barn is open to the underside of the asbestos sheets, which are supported by a central king post roof truss, rafters and beams. It goes on to note that the internal faces of the masonry have been maintained and a section of the north wall has been rebuilt with concrete blocks on the inside. The PEA therefore states that there are no suitable holes on the interior walls with potential to accommodate crevice dwelling bats. The PEA notes that roof timbers and ridge area of the barn were found to be very 'cobwebby' and no signs of bats were found.

The PEA states that the survey notes that no bats were found roosting in the buildings during the preliminary daytime assessment and that there were no signs of bat occupation. The PEA outlines that the surveyed barn displays a low number and diversity of roost features and is considered to offer low potential for use by roosting bats.

The PEA outlines that nocturnal bat surveys were carried out and no bats emerged from the building.

The PEA, which was 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 related to another application for the conversion of No.51/53 Huddersfield

Road), 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 any trees within the Conservation Area so as to prevent harm to such trees. The proposed parking area would be within close proximity to five trees, and it appears that these are to be removed as part of this development. Whilst these trees are protected given that they are in the Meltham Conservation Area, they are not considered to be of high amenity value therefore their loss could be acceptable subject to replacement planting in line with Local Policy. This can be conditioned should permission be granted.

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.

Contaminated Land

The Council’s Environmental Health Officer has stated that although it is unlikely that the site is contaminated, the area of the proposed development itself was used as a barn and a workplace, so there may be some unexpected

contamination when ground works begin. Therefore, the Environmental Health Officer has recommended a condition in relation to unexpected contamination and this can be attached should permission be granted. This would accord with Policy LP53 of the Local Plan and Chapter 15 of the NPPF.

Permitted Development Rights

Officers hold the view that extensions or outbuildings would potentially erode the special agricultural character of this building, as barns are known for their functional appearance and simple form. The property would also have a narrow garden, and it is considered that extensions and outbuilding could result in a cramped appearance and result in a poor standard of amenity for proposed occupiers. Thus, it is considered necessary to remove permitted development rights for outbuildings and extensions. This would also accord with Policy LP24 and LP35

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: 2021/93622

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, LP53 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 any works to the existing west wall of the barn hereby approved (including demolition), a stone sample panel (minimum 1 metre squared in size) shall be constructed on site in natural coursed stone, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel, and shall be retained as such thereafter.

Reason: In the interests of visual amenity, to preserve the significance of the nearby 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 15 of the Council's adopted Housebuilders Design Guide SPD.

4. Prior to the construction of the replacement roof of the development hereby approved, a sample of the natural slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the sample so approved and shall be retained as such thereafter.

Reason: In the interests of visual amenity, to preserve the significance of the nearby 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 15 of the Council's adopted Housebuilders Design Guide SPD.

5. Notwithstanding the details submitted, prior to the installation of any new doors, windows and rooflights within the development, full details of the doors, windows and rooflights within the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevations, cross section, cill, lintel and recess detail and colour/finish. The doors, windows and rooflights shall be installed within the building in full accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of visual amenity, to preserve the significance of the nearby 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 14 of the Council's adopted Housebuilders Design Guide SPD.

6. Re-pointing shall be carried out using a 1:3 NHL3.5 hydraulic lime:well graded sharp sand mortar unless an alternative mortar mix specification is first submitted to and approved in writing by the Local Planning Authority. No power tools shall be used to remove any existing mortar and the mortar shall be flush pointed.

Reason: In the interests of visual amenity, to preserve the significance of the nearby 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 15 of the Council's adopted Housebuilders Design Guide SPD.

7. Prior to any works to the existing west wall of the barn hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas; and
- details of the hard surfaced areas, including pavements, pedestrian areas and steps.

Thereafter the development shall be carried out in accordance with the approved landscaping scheme.

Reason: In the interests of visual amenity, to preserve the significance of the nearby 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 8 of the Council's adopted Housebuilders Design Guide SPD.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, and the complete landscaping scheme (hard and soft) shall be undertaken in the first planting and seeding seasons following the occupation of the dwelling or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and

shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of visual amenity, to preserve the significance of the nearby listed buildings and Meltham Conservation Area, to ensure the creation of a pleasant environment for the development 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 8 of the Council's adopted Housebuilders Design Guide SPD.

9. Prior to the first occupation of the dwelling 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 dwelling 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.

10. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and parking areas associated with the dwelling hereby approved on Drawing No. 2015 06 Revision B have been 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.

11. 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 dwelling 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.

12. Prior to the first occupation of the dwelling hereby approved, one electric recharging point shall be installed within the dedicated parking area of the 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 point 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.

13. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Notwithstanding the provisions 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 development included within Classes A or E of Part 1, Schedule 2 to that Order within the red line boundary of the application site shown on the approved plans shall be erected 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.

15. 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) no development included within Class A, Part 2, Schedule 2 to that Order (apart from any means of enclosures expressly allowed by the permission) shall be carried out without the prior written consent of the Local Planning Authority.

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: In relation to condition 5, it is expected that the heads and cills for all new openings shall be in natural stone.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*

- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

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: 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	-	-	14 th September 2021
Location Plan a scale of 1:1250	-	-	14 th September 2021
Existing Floor Plans and Elevations	2015-09	-	14 th September 2021
Proposed Floor Plans and Elevations	2015-10	-	14 th September 2021
Proposed Site Plan	2015-06	B	22 nd October 2021
Highway Statement by Paragon Highways dated October 2021	1719B	-	11 th October 2021
Design and Access Statement incorporating Heritage Statement by Northern Design Partnership dated September 2021	-	-	23 rd September 2021
Heritage Assessment -	2020/170	-	17 th December 2021

Updated by Archaeological Research Services dated November 2020			
Topographical Survey	NDP/369/SP	-	14 th September 2021
Preliminary Ecological Appraisal by Middleton Bell dated 29 th July 2021	MBE/ECO/2021/20/01	-	23 rd 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. A revised site plan and Heritage Statement were also submitted, and following the submission of this application Officers recommended the application for approval.

Report Dated:

Coal Mining - Low