

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:	2023/62/91173/W
Site Address:	749, New Hey Road, Outlane, Huddersfield, HD3 3YL
Description:	Conversion and adaption of an existing Listed barn to form a new dwelling with associated car parking and external works [Listed Building].
Recommending Officer:	Katie Chew

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: 21 December 2023

Officer Report

Site Description

749, New Hey Road, Outlane, Huddersfield, HD3 3YL

The application site relates to a two-storey stone-built Grade II Listed farmhouse and attached barn. To the south is a large pole barn and attached shed. The site comprises of a large amount of hardstanding, with mature planting located along the southern and western boundaries. Access is gained into the site to the north via a small access track which leads out on to New Hey Road.

To the north of the application site is a florist and several residential properties, to the west are car parks belonging to St Mary Magdalene's Church and The Old Golf House (hotel). To the south of the site is the M62 and to the east is undeveloped land which is shown to be within the ownership of the applicant.

The application site is not located within a Conservation Area although the host property in which this application relates is Grade II Listed.

Description of Proposal

The application seeks planning permission for the conversion and adaption of an existing Listed Barn to form a new dwelling with associated car parking and external works [Listed Building].

The proposals seek to convert the existing barn which adjoins no. 749 to the south into a 4 bedroomed dwelling. The dwelling would comprise of 4 bedrooms, open plan kitchen/dining/living area, utility room, separate living area, study, WC, 2 en-suites and a family bathroom. The proposals to convert this barn would also include a single storey extension in place of the existing single storey lean-to barn to the south. The proposed single storey extension will measure approximately 7.3m x 7.6m, with an overall height of 3.5m. The extension would be constructed from a mix of larch cladding (colour – natural), with zinc fascia (colour – pigmento red) and zinc standing seam roof (colour – pigmento red).

Off-street parking is provided for both the new and existing dwelling (no. 749) to the front of the properties to the east, with 7 parking spaces shown on plan.

Garden/amenity areas are proposed to the front, side and rear for the new dwelling.

An application for Listed Building Consent has also been submitted alongside this planning application (LPA Ref: 2023/91174).

History of negotiations/amendments received

Following receipt of comments received from consultees, amended plans have been received during the course of this planning application in respect of access, trees and the overall scale and design of the proposed extension and works to the existing barn.

Relevant Planning History

2023/91174 – Listed Building Consent for partial demolition, conversion and extension of existing Listed barn to form one dwelling, alterations to existing farmhouse with associated car parking and external works (Listed Building). Pending consideration.

2022/92882 – Conversion and extension Listed Barn to form one dwelling, part demolition and conversion of existing barn to form one dwelling and erection of one new-build dwelling with associated car parking and external works (Listed Building). Withdrawn 14th December 2022.

2022/92883 – Listed Building consent for partial demolition, internal and external works and extension of an existing Barn to form 1 no. dwelling. Withdrawn 14th December 2022.

2001/93609 – Listed Building Consent for re-use and adaptation of existing barn and outbuilding to form one dwelling. Approved 11th April 2002.

2001/93508 – Reuse and adaption of existing barn and outbuilding to form one dwelling (listed building). Approved 23rd April 2002.

93/02769 – Erection of office extension. Approved 16th August 1993.

91/00224 – Erection of extensions to form staff facilities and freezer room plus new entrance portico. Approved 4th June 1991.

89/03353 – Erection of illuminated signs. Approved 3rd November 1989.

87/01899 – Erection of illuminated signs. Approved 3rd July 1987.

Consultation Responses

KC Conservation & Design – Comments received 7th June 2023. Officers do not object to the proposals in principle but do recommend several alterations to the proposed scheme, these are discussed in detail within the full consultation response which can be viewed on the Council's website: https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2023/91173&file_reference=993409

Officer note: Following receipt of amended plans, C&D Officers note that the proposals have moved in the right direction, taking account previous

comments that were raised. They did however request that the extension be slightly brought in from the south away from the new boundary wall, they also requested further details in respect of the external materials to be used within the single storey extension and how it will be bonded to the barn. In terms of the main conversion, a reasonable amount of detail is still required however, it has been agreed that this can be covered via condition. Further amended plans were received which show the extension slightly reduced away from the boundary wall. C&D Officers have provided a plethora of conditions to be attached to the decision should planning permission be granted.

KC Trees – Comments received 13th June 2023. Officers request the submission of a tree survey as no tree information has been supplied with this application, and the proposals may cause conflict to adjacent trees during constructions to refurbish the barn and roof. Concerns have also been raised about the suitability of the proposed patio areas being constructed underneath the canopy of mature trees located to the south of the site, which will undoubtedly lead to future conflict and desire for tree pruning/removal. Officers do note that adjacent trees are worth of protection by preservation order if deemed to be under threat.

Officer note: Following receipt of an Arboricultural Impact Assessment the Trees Officer considers the report to have made a fair assessment of the trees and demolition of what is on site and the proposed construction of the development relating to trees. There is however concern that the AIA hasn't considered some potential issues with appropriate weight. This is discussed in more detail within the trees section of this report. Nevertheless, the Trees Officer does object to the proposals and concludes that Officers should take a planning balance decision due to the potential benefit of the proposed use.

KC Ecology Unit – Comments received 23rd May 2023. No objections.

KC Highways Development Management – Comments received 19th June 2023. No objections subject to conditions relating to the provision of bin storage and collection points, suitable sightlines, and a schedule of the means of access to the site for construction traffic.

Officer note: Given the concerns raised by third parties and the nature of the access, Officers considered it reasonable to request details prior to determination specifically in respect of visibility splays. Following receipt of amended plans the Council's Highways Officers raised no objections and confirmed it acceptable to remove the previously requested condition in respect of sight lines. This is discussed in more detail within the highway's safety section of this report.

West Yorkshire Fire & Rescue Service – Comments received 13th July 2023. In order to meet the fire service requirements of the Building Regulations access should be available to within 45m of all points of the dwelling from the fire appliance. This can be extended up to 90 metres if the developer was to install a sprinkler system to the dwelling, it should be noted

that private fire mains, as suggested by Highways, do not serve as compensation for appliance access.

KC Strategic Waste – Comments received 3rd May 2023. As there is no methene levels detected a standard footnote is recommended to be included should planning permission be granted, particularly if the proposals involve digging.

KC Environmental Health – Comments received 26th April 2023. No objections subject to conditions and informatives relating to contaminated land, electric vehicle charging points, noisy construction times, noise and dust mitigation.

Parish/Town Council

N/A.

Local Ward Members

Councillor McCarthy – Requested an update on potential vermin at the application site. This was passed across to Environmental Health who inspected the entire site of 749 New Hey Road including around main building inside out buildings and stable block and field. They found evidence of rats at rear of 729 where bird feeders have been hung over boundary wall, feeders now look empty except for some meal worm. No evidence of rats or food waste that would attract rats, no waste present. Rat holes below bird feeders at rear of 729 but hung over field of 749. Appear old and disused bird feeders are shown in one of the photos attached. This was fed back to Councillor McCarthy.

Representations

Final publicity date expired on:

Neighbour Letters – Expired 30th May 2023.

Site Notice – Expired on 29th May 2023.

Press Notice – Expired 10th June 2023.

2 representations in objection to the proposals has been received. Comments are summarised below.

- On the submitted plans the area behind no. 751 is shown as parking, this is deceptive as this does not form part of the application site boundary and visitors to no 749 will assume that they can park there when in fact it is owned by a neighbouring property.

Officer note: Noted. Unfortunately, this would be a civil matter that would need to be dealt with outside of this application should conflicts arise in the

future over parking in this area. The land to the rear of no.751 does not form part of the application site.

- Would the owners of any new properties have any legal right to use the lane?

Officer note: This would be a civil matter that would need to be resolved outside of this application should planning permission be granted.

- There is a large building labelled barn shown at the south end of the development. This does not appear to correctly represent what is there presently but there are no details of it in the description.

Officer note: Noted. Officers have undertaken a site visit and are aware of what is currently on site, this structure does not form part of the development applied for.

- There are three old outhouses below the gardens of nos. 743, 745 and 747 that are not shown on the plan, these are to remain, and rights of access is available for residents.

Officer note: Noted, these outbuildings do not appear within the red line application site boundary and planning permission would not override private rights of access.

- Concerned about structural damage to neighbouring properties due to large heavy vehicle movements which could affect property foundations.

Officer note: Noted. Unfortunately, this would not be a planning concern and would need to be dealt with outside of this application as a legal matter should any damage be incurred.

- West Yorkshire Fire and Rescue Service states in Table 1 that the minimum road width between kerbs should be 3.7m. The land is 3.2m between walls so this condition is not met.

Officer note: Noted. West Yorkshire Fire and Rescue Service have been consulted on the proposals; their comments can be found under consultation responses section of this report.

- No thought to the upkeep and maintenance of the lane has been mentioned.

Officer note: Noted. However, this would be a civil matter between the land owners to upkeep maintenance.

- Cannot see Kirklees bin wagon personnel wanting to take the wagon down the access road weekly to empty the bins.

Officer note: Noted. This is discussed in more detail within the highway's safety section of this report.

- Neighbours have a right of access down the lane at all times, therefore closing it to run services down is not possible.

Officer note: Noted. Unfortunately, this would be a civil matter that would need to be dealt with outside of this planning application. The granting of planning permission does not extinguish private rights of access or the responsibilities of a developer to address all legal matters involved in the development of land.

- Concerns in respect of highway safety when entering and exiting the site onto New Hey Road and increase in vehicle movements. These concerns include:
 - Width of track and visibility
 - Traffic movements along a single track, who has priority?
 - Turning movements from New Hey Road into the site.
 - Impact on visibility from vehicles parked along New Hey Road
 - Proximity of Mulehouse Lane and Burcote Drive to the access, which are other busy roads.

Officer note: Noted. The Council's Highways team have been consulted on the proposals, their comments can be found within the consultation responses and highway safety sections of this report.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site affecting the setting and significance of a Listed Building. Whilst it is acknowledged that amended plans have been received during the course of this planning application, given the minimal nature of the changes proposed it was not considered necessary to reconsult on this occasion.

Planning Policy Background

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 application site is partially located within the Green Belt to the south and relates to a Grade II Listed Building.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**

- **LP7 – Efficient and Effective use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highway Safety**
- **LP22 - Parking**
- **LP24 - Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP33 - Trees**
- **LP35 – Historic Environment**
- **LP51 – Protection and improvement of local air quality**
- **LP52 – Protection and Improvement of environmental quality**
- **LP53 – Contaminated and Unstable Land**
- **LP57 – The extension, alteration or replacement of existing buildings**
- **LP60 – The Re-use and Conversion of Buildings**

Other Guidance Documents

- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design for New Developments
- Biodiversity Net Gain Technical Advice Note
- Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide SPD (2019)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)(19th December 2023), 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2 – Achieving sustainable development**
- **Chapter 5 – Delivering a sufficient supply of homes**
- **Chapter 9 – Promoting sustainable transport**
- **Chapter 11 – Making effective use of land**
- **Chapter 12 – Achieving well-designed and beautiful places**
- **Chapter 13 - Protecting Green Belt land**
- **Chapter 14 – Meeting the challenge of climate change, flooding and coastal change**
- **Chapter 15 – Conserving and enhancing the natural environment**
- **Chapter 16 – Conserving and enhancing the historic environment**

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and heritage assets
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 – Principle of Development:

1.1– Sustainable Development

NPPF paragraph 11 and LP1 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 this 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.

1.2 – Housing Density/Delivery

Policy LP3 of the Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that proposals should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. As the site measures just 890sqm, the site is capable of providing 3 dwellings in line with the above calculations.

Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

On this occasion, it is considered given the sensitive nature of the site and that it is partially located within the Green Belt, a higher density of development would likely lead to issues in terms of access, design, inappropriate development within the Green Belt, and impacts on the setting and significance of heritage assets. As such, in this case, there are considered to be circumstances which justify the proposed density of development.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. The revised National Planning Policy Framework (NPPF) was published 19th December 2023. NPPF (para 76) states Local Planning Authorities are **not** required to demonstrate a 5 housing land supply if their adopted plan is less than 5 years old and the plan identified at least a five year supply of sites. Therefore, at this moment in time the LPA are not required to demonstrate a 5 YLS until after 28th Feb 2024 (when the Local Plan is more than 5 years old). This means that until 28th Feb 2024 applications are assessed on their own individual merits as the 'tilted balance' does not currently apply as a result of the changes to the NPPF.

Given the existing residential use of the site, the principle of redevelopment for residential purposes in this location is acceptable, subject to the assessment of impacts on Green Belt, heritage, visual and residential amenity, highway safety and other matters.

1.1– Land Allocation (Green Belt)

The application site is located within the Green Belt. As such the proposal will be assessed having regard to Chapter 13 of the National Planning Policy Framework which requires Local Planning Authorities regard the construction of new buildings as inappropriate development. Exceptions to this include the re-use of buildings provided that the buildings are of a permanent and substantial construction and the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Both of these exceptions (detailed in Chapter 13 of the NPPF) could be applicable in this case provided that the proposed development preserves openness and does not conflict with the purposes of land within the Green Belt.

Policy LP60 of the Kirklees Local Plan reiterates the first exception as stated above, by stipulating that the conversion or the re-use of buildings in the Green Belt will normally be acceptable where:

- a) The building to be re-used or converted is of a permanent and substantial construction
- b) The resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape
- c) The design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting.

Policy LP57 of the Kirklees Local Plan relates to the extension, alteration or replacement of existing buildings. Noting that:

'Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;*
- b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;*
- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and*
- d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting’.*

Whether the proposal is inappropriate development in the Green Belt

In terms of the conversion of the existing barn, whilst no structural survey has been carried out on the building, there is no indication of any recent structural movement and from the site visit undertaken on the 4th May 2023 there was no obvious reason as to why this structure could not be converted. It is therefore considered that exception of Green Belt policy is applicable.

Whilst the resultant scheme will somewhat change the character of the land, this is to be expected due to the proposed change of use of land for residential purposes. However, it is noted that the site adjoins no. 749 New Hey Road, which whilst currently vacant, has been in use for residential purposes in the past, and to the north are several other residential properties. In addition, the majority of the site is covered with hardstanding and is ancillary to the adjoining dwelling. The residential curtilage of the dwelling is also to be kept to a minimum, utilising the existing hardstanding areas for parking with garden areas proposed to the front, helping to soften the site.

The proposals also seek to demolish a small single storey extension to the rear of the building, which connects no. 749 to the barn to be converted, and replace an existing rundown agricultural lean-to extension to the south with a new single storey extension which will provide additional living accommodation for future occupiers. The proposed extension will be located on a similar footprint to the existing lean-to (albeit slightly smaller in length and width). Given the removal of all existing additions to the host property, the proposed extension would be the only addition of this kind to the building, and as it is to be single storey in height and of a contrasting material, Officers consider the proposed extension to appear subservient in size and overall appearance, reflecting the design somewhat of the existing lean-to agricultural building which is to be replaced.

The proposed dwelling would also be contained within the existing cluster of development and will utilise the existing access to the site, therefore reducing the need to introduce a new access which may further urbanise the site. It is considered reasonable in this instance to impose a condition to remove permitted development rights at the site for new extensions, additions to the roof and outbuildings to ensure that the openness of the Green Belt and setting and significance of the heritage asset are not impacted upon further in the future from unsympathetic additions.

Policy LP57 subsections (c and d) and LP60 (c) are discussed further within the visual amenity section of this report.

2 - Impact on Visual Amenity and Heritage Assets:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

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 Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 6 of the Housebuilders Design Guide SPD highlights that *‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’*.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

In this instance the proposals are to utilise an existing stone-built barn, with some alterations and a single storey extension to the south. As the majority of the proposals relate to the conversion of an existing building, recommendations contained within Principles 5 and 6 are somewhat unapplicable as the layout, scale and size of the dwelling is dictated by the existing building which is to be converted. Although the proposed extension is to be set back from the principal elevation of the barn by around 0.9m and will be stepped back from the boundary walls of the site by between 0.6-3m.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Again, as discussed above, the proposals are somewhat dictated by the existing building on site nevertheless, the proposed single storey extension is to have a lean to style roof, which is reflective of the extension in which it is to replace. This element of the proposals is therefore considered to accord with principle 15 of the above SPD.

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

In this instance, 2 new window openings are proposed on the first floor of the rear elevation. These windows are to be of a similar scale, size and design to those already existing within the rear elevation of no. 749 and the barn itself and given the proposed ashlar stone surrounds these windows are considered to be sympathetic additions to the property. Furthermore, the existing rooflights within the front roof slope of the barn are to be removed and replaced with 3 new rooflights. Should planning permission be granted these rooflights will be conditioned to be conservation style rooflights in the interests of visual amenity and to protect the setting and significance of Listed Buildings. It is also considered reasonable and necessary given the nature of the building and the discussions had with the Council's Conservation &

Design Officer in respect of windows and doors, to remove permitted development rights for the inclusion of any additional doors and windows within the barn. This is in the interests of preserving the setting and significance of the Listed Building and to ensure that the traditional and simple appearance of the barn is not detracted from within any future alterations.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Finally, in respect to materials and design, following numerous discussions with the applicant's agent it was agreed that the originally proposed zinc cladding would be replaced with larch cladding to provide a less stark and softer addition to the barn. The shape and design of the extension is to reflect the existing building of which it is to replace, with a lean-to roof and large glazed openings on either end of the structure to help replicate the views through the building, which are currently experienced on site. Whilst the proposed design and materials result in a more contemporary addition, the applicant's agent states that this has been done on purpose to echo the past whilst also complementing the existing stone at the site. As noted within paragraph 8.1 of Principle 13 *'the use of contemporary materials is considered on the merits of the proposal and its location, with particular attention given to proposals in the setting of Listed Buildings and Conservation Area and other designated heritage assets'* with paragraph 8.3 expanding further noting that *'contemporary and innovative approaches will be welcomed where they are of high quality and complement the existing context, although care must be taken in the setting of Listed Buildings and Conservation Areas'*. Officers conclude that for the aforementioned reasons, and that the dwelling is situated down a private access track, stepped back from the principal elevation of the barn and is to replace an existing dilapidated structure of a similar scale and size, the design and use of contemporary materials is acceptable on this occasion, and therefore the proposals are considered to accord with Principle 13 of the above SPD.

Taking the above into consideration, Officers conclude that subject to conditions, the proposals are considered to be sympathetic and reflective of existing structures within the area and accord with policies LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 5, 6, 13, 14, 15, of the Housebuilders Design Guide SPD.

Heritage Assets

The key issue for consideration in this case is the impact on the significance of the listed building.

Section 66(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *"In considering whether to grant planning permission for 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."*

Listed Buildings are designated heritage assets and Chapter 16 of the NPPF states that: *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.”* Chapter 16 of the NPPF goes on to state that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

NPPF clarifies that: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

Furthermore the NPPF states that when a proposed development would lead to harm, it is necessary to achieve public benefits that outweigh the harm to the heritage asset.

Policy LP35 of the Kirklees Local Plan echoes this guidance and 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.”*

The application relates to no. 749 New Hey Road. The host dwelling is Grade II Listed dating back to the late 18th, early 19th Century. The building is constructed in hammer dressed stone with the roofs finished in pitched stone slates. The house is formerly of a longhouse style, with the main farmhouse to the north and the barn being attached to the south. The barn has an elongated cat slide roof and projects forward of the main farmhouse. There have been a series of additions to the farmhouse, including a lean-to extension to the southern gable of the barn and a small flat roof extension on the western elevation. To the south of the barn is a detached outbuilding and additional corrugated lean to. This building is of the 20th century and is of no merit, having a negative impact on the setting of the listed farmhouse. The listing description is as follows:

‘NEW HEY ROAD 1. 5113 (South Side) Barn on west side of SE 0817 25/957 small lane beside No 747 II 2. C18 or early C19. Hammer-dressed stone. Pitched stone slate roof, catslide to east. Coped gables on cut kneelers. Former longhouse-type farmhouse. 2 ranges of sashes and door with 4 moulded panels in north end. Segment-headed barn doors in centre. Lean-to extension on east side at south end’.

The proposals seek to convert the existing barn which adjoins no. 749 to the south into a 4 bedroomed dwelling. The proposals to convert this barn would

also include a single storey extension in place of the existing single storey lean-to barn to the south. The proposed single storey extension will measure approximately 7.3m x 7.6m, with an overall height of 3.5m. The extension would be constructed from a mix of larch cladding (colour – natural), with zinc fascia (colour – pigmento red) and zinc standing seam roof (colour – pigmento red).

Given the nature of the scheme the Council's Conservation & Design Officers were consulted. They note that the removal of the 20th century structures to the south would be welcomed as they are of little merit and neither preserve nor enhance the listed asset. Since the previously withdrawn application (ref: 2022/92883), there have been clear changes including reducing the proposed extension to the south to a single storey, now following a footprint which is similar to the existing structure which is to be removed. Following discussions with the applicant's agent the single storey extension was also pulled away slightly from the southern boundary of the site and stepped back from the principal elevation of the barn in the interests of enhancing the character of the Listed Building whilst also allowing for a reasonable footprint in the extension. In terms of materials, C&D Officers accept the intention to make the structure contemporary to the historic Farmhouse and are overall happy with the proposed design noting that the addition of the slight inset and overhang lends itself well to the design and gives it a sense of permeability. They also welcome the amendment made to the materials used within the external walling of the extension from zinc cladding to larch cladding, acknowledging that this is a nod towards the previous agricultural use of the site.

In terms of the barn itself, the building is currently rendered on the western and north-western elevations. It is proposed to remove this render and reinstate this with lime render in the colour 'off white', as outlined on the submitted plans. It is considered reasonable to attach a condition to ensure that the render used is to be of lime render only to ensure that it is appropriate (see allied application for listed building consent). To the west, north-western elevation there are several proposed new openings, with the proposals showing that all windows and doors are to be replaced. Whilst the principle of these windows and doors and their replacement is acceptable, C&D Officers note that there is limited detail submitted to support the proposals and therefore a condition is recommended for the applicant to submit joinery details to the LPA prior to works commencing on any of the windows and doors. A condition is also requested to ensure that windows installed within the listed building are of timber design as the originally submitted aluminium frames were considered to be of a greater thickness which would sit prouder within the window reveals and would have a detrimental impact on the character and appearance of the building. These matters are, again, covered in the allied application for listed building consent.

Moving on to the internal alterations, there is a good amount of surviving fabric within the building including the stable partitions, cast iron column supports, stone sets, stone flags, floor joists, roof trusses and roof timbers. C&D Officers would therefore wish to see these details retained and

incorporated into the design and therefore suggests a plethora of conditions to that effect within the allied application for listed building consent.

Finally, looking at the wider site, C&D Officers raise no objections to the proposed addition of a dry-stone wall to separate garden spaces and parking areas, and raise no concerns in respect of the proposed block paving for the driveway/parking areas to the front.

Conservation & Design Officers conclude that they are broadly supportive of the proposed reuse of the Listed farmhouse (barn) and the proposed single storey extension however, there are specific elements of the scheme which do require the submission of further details which will be managed through conditions.

Taking the above into consideration, the proposals will bring a currently vacant building back into use, reducing the risk of the building falling into disrepair. The proposals will also provide additions and repairs which will overall enhance and protect the setting and significance of the Listed Building and provide a new dwelling during the time of national shortage, therefore any negligible impacts arising from the proposed contemporary side extension, are considered to be outweighed by the public benefits arising from the proposals. The proposals are therefore considered to accord with LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and Section 66(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

Principle 6 of the Housebuilders Design Guide sets out 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 text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD sets out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;

- For a new dwelling located in a regular street pattern that is two-storeys or above, there should normally be a minimum of 2 metres distance from the side wall of the new dwelling to a shared boundary.

Impact on nos. 735, - 741 New Hey Road

These neighbouring properties are located to the north-west of the application site approximately 23m away from the converted barn. Given the orientation of these properties to the host building, and the large separation distances Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

Amenity of future occupiers of the proposed dwellings

NPPF Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Principle 16 of the Housebuilders Design Guide seeks to ensure that all new building dwellings have sufficient internal floorspace to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Whilst the development here does also include the conversion of an existing building, it is considered that the same basic ethos is relevant. Although the Government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan. The Council nonetheless recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

Internally, the proposed converted barn would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards, with all habitable rooms having access to at least 1 window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers.

In terms of amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. The proposals in this instance seek to provide garden/amenity spaces to the front and rear of the new dwelling and no. 749. Whilst it is acknowledged that amenity spaces to the rear are small in size and would be overshadowed by large mature trees found adjacent to the site, additional larger amenity space is provided to the front. Although it is noted that whilst spaces to the front are not considered to be particularly private, given the location and orientation of these dwellings, set down a private access track, these garden areas are considered to be

sufficiently private and would provide enough space for the above listed activities, receiving sunlight throughout the day.

Given the nature of the site and its close proximity to the M62 to the south, the applicant has submitted a Noise Impact Assessment authored by Nova Acoustics dated October 2022 Ref 8428MB and an air quality assessment. The noise report, prepared to support the withdrawn application for 4 dwellings, notes that noise monitoring was conducted from 30/09/22 to 03/10/22 from 2 monitoring positions (MPs) which are shown in figure 1. MP1 was adjacent to the M62 Motorway and MP2 was fronting New Hey Road. A summary of the results is shown in table 1 with the night time L_{max} levels shown in table 2. Based upon these levels, noise modelling has been conducted which is shown in section 4 and in considering the internal requirements of BS8233, the facades have been colour coded to correspond with the sound reduction values shown in Table 4. Glazing is specified in table 7 and the method of ventilation in table 8. Should mechanical ventilation be considered, then noise levels should not exceed those given in table 9.

The Council's Environmental Health Officers have assessed the findings of the above report and note that as the external levels are elevated due to the M62 motorway, these areas will require mitigation and fencing is therefore proposed which is specified in figure 7 with the report stating an example product that achieves the criteria is Jacksons '12k Envirofence'. Whilst Environmental Health's comments that even with specialist fencing installed, the levels exceed the upper level within BS8233 (55dB) by up to 7dB at 'Plot C', this plot does not form part of the current application (it was for a dwelling far closer to the M62 with a red façade in the previously withdrawn application). Taking this into account and the exceedance level for the proposed Plot is 4dB it is considered that the findings of the report can be accepted, but request a condition is attached to protect the amenity of the occupiers of the development.

Given the above, subject to conditions, the proposals are therefore considered to be in accordance with Policies LP24 and LP52 of the KLP, Chapters 12 and 15 of the NPPF and Principles 6, 16 and 17 of the Housebuilders Design Guide SPD. Air quality is assessed later in the report.

4 - Impact on Highway Safety:

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. In this instance the proposed parking areas are to be located to the front of the dwellings however, given the orientation and restricted nature of the plot, and that these properties are somewhat tucked

away from view, being set down an unadopted access track, Officers consider this arrangement to be acceptable on this occasion, and that garden areas and soft landscaping are proposed throughout, parking should not be overly dominant. The proposals are therefore considered to accord with Principle 12 of the above SPD.

Principle 19 of the Housebuilders Design Guide 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. In this instance bin storage areas are shown on plan within the private drive for both no. 749 and the new dwelling proposed. Guidance received from the Kirklees Waste Strategy team notes that a refuse collection vehicle will not usually traverse a private driveway that is not constructed to adoptable standards and that the bins should be presented for collection within 8m of the adopted highway. The locations presented within the submitted drawing do not conform to this guidance and therefore it is recommended that these details be conditioned and that the applicant contact the Waste Strategy team at the earliest opportunity to resolve these issues.

The application seeks the conversion of a barn and new extensions to create a new dwelling with parking within the curtilage of an existing dwelling, which has a narrow unsurfaced access on to the A646 New Hey Road. Residential on-street parking is found on the side of the application site access, alongside a commercial business which may also generate parking demand within the immediate area.

Given the nature of the proposals the Council's Highways team were consulted, they note that the existing access is unadopted and within private ownership.

Whilst no trip generation details have been provided, Officers consider that the provision of one dwelling would not be expected to generate sufficient trips to have a severe impact on the operation or efficiency of the local highway network. As the access to the site is very narrow, there will be no space for a separate pedestrian path and therefore vehicle/pedestrian conflict may occur. Nevertheless, given the low numbers of vehicles and the very low speeds expected, this is not considered to be a severe safety concern however, it may act as a deterrent to sustainable travel choices at the site.

In respect of off-street parking, the proposals are to create a 4 bedroomed dwelling alongside the existing 3 bed dwelling. Parking requirements for a 4 bedroomed dwelling would be for 3 off-street spaces. A total of 7 parking spaces are shown within the submitted plans for both dwellings, this number is deemed to be suitable, and all parking spaces shown are acceptable in size as a standard car parking space. The headway for the parking spaces is also around 6m, therefore vehicles should be able to manoeuvre in and out of the spaces easily.

In addition, Highways Officers did have initial concerns over the visibility splays for the access onto A646 New Hey Road, and requested a condition be included requiring the provision of suitable visibility splays. The applicant's agent however has provided a revised drawing which shows a visibility splay construction based on guidance within Manual for Streets for a 30mph road

with an x-distance of 2.4m and Y-distances of 43m to the nearside kerb line. Whilst highways were originally concerned that the visibility splay to the right would just cut across third party land, the construction shows that the splay crosses over the adopted footway to the front of the neighbouring properties and so is deemed acceptable. They do note that providing an achievable visibility splay on a drawing does not always mean that the y-distance visibility will be available due to vehicles parking on-street along the kerb line within the visibility splay. With this they consider that the amended site plan is sufficient to remove the condition for a visibility splay construction to be provided on a drawing and that the proposals are on balance acceptable.

It was also recommended within Highways initial comments that consultation be undertaken with the West Yorkshire Fire and Rescue Service to see if the distances of the dwellings to the adopted highway would be acceptable for use of a fire hose. They provided comments outlining that in order to meet fire service requirements of the Building Regulations, access should be available to within 45m of all points of the dwelling from the fire appliance. This can be extended up to 90 metres if the developer was to install a sprinkler system to the dwelling, it should be noted that private fire mains, as suggested by Highways, do not serve as compensation for appliance access. This was then fed back to the applicant's agent who confirmed via email on the 14th July 2023 that the distance is approximately 57m to the adopted highways and therefore the new dwelling will have a residential sprinkler system installed. This is to be secured via a condition should planning permission be granted.

Finally, Highway Officers do note that as the access is unadopted and in private ownership it is recommended that the applicant check with their solicitor to ensure that they would have a vehicular access over the path for the new dwelling as this may need to be negotiated with any joint owners of the track outside of this planning application.

It is therefore concluded that subject to conditions, the scheme would on balance be acceptable and would not represent any additional harm in terms of highway safety, complying with Local Plan Policies LP21 and LP22, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD.

5 – Other Matters:

Drainage

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding).

In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert).

The submitted application form outlines that foul sewerage is to be disposed of by the mains sewer and will be connected to the existing drainage system. Environmental Health officers have been consulted and raised no concerns with regards to drainage.

Land Contamination

With regard to land quality, Chapter 15 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The proposed development site is shown to be located close to an historic landfill site that may have an adverse impact on the proposed development (the Council's site reference 4700/0733). The Council's Environmental Health Officers therefore believe that contaminated land conditions are necessary. Should planning permission be granted contaminated land conditions will be attached which require the applicant to submit a Phase 1 Preliminary Risk Assessment. Phase 2 Intrusive Site Investigation Report, the submission of a Remediation Strategy and implementation of the Remediation Strategy and finally the submission of a validation report. The implementation of these conditions is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out 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.

In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy

Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers would seek the provision of electric vehicle charging points within the curtilage of the site to serve the development and an additional EVCP to serve the existing dwelling, the parking area of which is within the application site. The purpose of this is to promote modes of transport with low impact on air quality.

The application is also supported by a Climate Change Statement, this statement outlines that the proposed will seek to maximise thermal insulation levels within the external walls, floor and roof wherever possible. In addition, any new materials will be sourced locally although almost all of the property's existing materials and structural elements are to be retained which will help to reduce carbon and is inherently sustainable. Finally, the existing waste ground is to be landscaped and planted to form a garden area which will encourage wildlife and birds.

Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

Air Quality/Dust

The site of the proposed development is not within or adjacent to an Air Quality Management Area or near to any roads of concern, however it is located close to the M62 motorway and will potentially be introducing new receptors into an area of existing poor air quality. Therefore, in accordance with the West Yorkshire Low Emissions Strategy (WYLES) -Technical Planning Guidance an Air quality Assessment was required to determine the likelihood of exposure of future residents to elevated pollution levels.

An Air Quality Assessment (ref: 6042r1) (dated: 3rd October 2022) by Redmore Environmental has been submitted in support of the application. This was originally submitted to support an earlier application for 4 dwellings which was withdrawn. The report details the impact of air quality on sensitive receptors during the construction and operational phases using techniques detailed in national and local guidance. The Council's Environmental Health Officers were consulted on the proposals and confirmed that they accept the conclusions drawn within the Air Quality Assessment (ref: 6042r1) (dated: 3rd October 2022) by Redmore Environmental as submitted.

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management Guidance on the Assessment of Dust Demolition and Construction v 1.1 2016. This involved a risk assessment to identify all potential sources of dust during the construction phase and the risk of impact at all sensitive receptor locations within 35m of the site boundary. From this the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concludes that there is the potential for fugitive dust emissions during the construction phase, but these can be controlled by good practice mitigation measures as outlined in Table 21 of the report.

For the operational phase detailed dispersion modelling was undertaken using ADMS-Roads (V 5.0.1.3) to determine the baseline and future pollutant concentrations likely to occur at the site due to the surrounding road network including the M62. The pollutants modelled were NO₂, PM₁₀ and PM_{2.5}, using traffic data supplied from the Department for Transport (DfT) and Defra Emission Factor Toolkit (v 11.0), a baseline year of 2019 and an opening year of 2024. Outputs were verified against monitored data supplied by Kirklees Council.

The report concludes that predicted annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} at all locations across the development site were below the relevant national Air Quality Objectives (AQO) and Air Quality Limit Values (AQLV) for those pollutants. The Council's Environmental Health Officers agree with the methodology and conclusions of these assessments. However, they do recommend a condition in relation to the construction phase of the development, to ensure the mitigation of fugitive dust emissions.

Biodiversity & Trees

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 9 of the Kirklees Housebuilders Design Guide SPD states that: *"Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. At the outset of the design process the wildlife habitat network and Habitats of Principal Importance should be considered in addition to protected species and the maintenance and management arrangements for any wildlife spaces need to be clearly set out."*

Whilst it is acknowledged that the application site is not located within a Bat Alert Area, given that the proposals will result in some demolition and alterations to an existing barn and farmhouse which are adjacent to mature trees Officers considered it reasonable to consult with Ecology in this instance. Ecology officers noted that no ecological information has been submitted with the application however, given the location of the site, limited records of protected species and suitable habitat within the wider area, along with the proximity of the motorway, it is anticipated that the proposed development will result in negligible impacts to biodiversity receptors and as such Ecology Officers raise no objections to the proposals. However, to enable a biodiversity net gain, the installation of bat boxes to the development will be conditioned should planning permission be granted.

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy sets also out that where trees loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.

Whilst no trees within the application site are subject to a Tree Preservation Order, given the amount of mature planting specifically to the south and west of the site, the Council's trees officer was consulted on the proposals. They noted that as there are mature trees within close proximity to the proposed dwelling and extension there is the possibility for the proposals to impact directly and indirectly on these trees. Following receipt of the above comments the applicant's agent sought to submit an Arboricultural Impact Assessment, this assessment is considered to have made a fair assessment of the trees and the demolition of what is on site and the proposed construction of the proposals. Trees Officers have looked over this assessment and note that the AIA doesn't appear to have considered some potential issues with appropriate weight.

A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements (e.g. accessing and clearing the gutters and cleaning the skylight). Trees Officers are therefore concerned that the position and orientation to the group of trees along the boundary of the site will be or at least considered to be oppressive to the converted barn and new dwellings proposed once occupied. Thus, leading to pressure from residents to prune, remove and/or thin the woodland/group out in order to address nuisances such as shading, seasonal debris and apprehension about size, proximity, and potential failure which with the current use of the buildings appearing to be non-residential is less of concern/pressure perhaps.

Trees Officers do recognise however that any such works could require consent from the Council if it considered expedient to protect the trees with a new TPO to protect the trees as part of a planning permission being granted but when exercising that control in the future, the Council would have to take into account the existing situation including the presence of the proposed dwelling. However, trees Officers accept that there is a potential benefit of the proposed is bringing into use/help a listed building/its setting subject to amendments and further details and therefore deem this to be a planning balance decision.

Taking the above into consideration, and the conclusions drawn within the principle of development and heritage sections of this report Officers consider that the potential for any future pruning of these mature, but unprotected trees would be outweighed by the principle of the regeneration of a currently vacant building back into use, whilst also enhancing and protecting Listed Buildings, and therefore on balance, Officers deem the proposals to be acceptable and to accord with LP33 of the Kirklees Local Plan and Chapter 12 of the NPPF.

6 – 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 with conditions.

Decision Authorisation – Delegated Powers

Application Number: 2023/91173

Officer Recommendation: Approve.

Conditions & 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.

1. 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, LP11, LP21, LP22, LP24, LP30, LP33, LP35, LP51, LP52, LP53, LP57 and LP60 of the Kirklees Local Plan, Chapters 2, 5, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

2. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler type 1FR bat boxes, shall be installed to the converted barn during the period of conversion on the southern (side) elevation, at least 4m above ground level and not directly above any doors or windows. 1 additional new bat tube similar to the Schwegler type 1FR bat boxes shall also be installed to the eastern (front) elevation of no. 749 New Hey Road, at least 3m above ground level and not directly above any doors or windows. Thereafter the bat tubes shall be retained.

Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition where such details are required before works commence to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (4) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, 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. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall

thereafter be carried out in accordance with the approved revised Remediation Strategy.

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.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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.

8. Before the hereby approved dwelling is first brought into use, one electric vehicle recharging point to serve the converted barn and the existing dwelling shall be provided within the dedicated parking areas to serve each of the dwellings (two in total). Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles. In the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework (NPPF) and Principle 18 of the Housebuilders Design Guide SPD.

9. Before any demolition and/or construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and/or construction phase of the development shall be implemented in accordance with those detailed in Table 21 of the Air Quality Assessment by Redmore Environmental (ref: 6042r1) (dated: 3rd October 2022) and retained for the duration of the demolition and/or construction period.

Reason: This is a pre-commencement condition to ensure that suitable mitigation measures are in place before works commence to safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the NPPF and LP52 of the Kirklees Local Plan.

10. Before the development is first brought into use, all works which form part of Noise Impact Assessment authored by Nova Acoustics dated October 2022 Ref 8428MB relevant to the development hereby approved:

- a) shall be completed; and
- a) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby sources of noise generating activity to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. 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 Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan as Existing (drawing no. EX0001 Rev A) without the prior written consent of the Local Planning Authority.

Reason: To ensure that no incongruous or discordant additions can be made to what is a traditional building of simple construction, in the interests of visual amenity and to ensure that the setting and significance of heritage assets are protected in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

12. 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 additional doors, windows or any other openings (apart from expressly allowed by this permission) shall be created in any of the elevations or roof of the dwelling hereby approved.

Reason: To ensure that the visual appearance of the simple and traditional host building is not lost by further installations into the elevations or roof, and to protect and enhance the setting and significance of heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

13. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in

writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This is a pre-commencement condition in the interests of highway safety and the amenities of nearby occupiers of residential property to ensure that appropriate arrangements are in place to support the development throughout the construction period and to accord with Chapters 9 and 15 of the National Planning Policy Framework and Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

14. Prior to the occupation of the dwelling hereby approved, details of suitable bin storage, bin presentation points and access for collection of wastes from the dwelling hereby approved and the existing dwelling at no. 749 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of the new dwelling and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi), Chapter 9 of the National Planning Policy Framework and Principle 19 of the Housebuilders Design Guide SPD.

15. The dwelling hereby approved shall not be occupied until an automated residential sprinkler system has been installed and made to be operational. Once installed and made to be operational, this shall be retained thereafter.

Reason: To ensure appropriate arrangements for fire safety are in place at the site in the interests of health, wellbeing and safety of future occupiers of the development. In accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

NOTE: Electric Vehicle Charging Points -

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*" by the Office for Low Emission Vehicles will be acceptable. Basically,

charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: The applicant is advised that the site lies within 250m of a former closed landfill site. While no levels of methane (CH₄) were detected during the last shallow spike surveys in 1996 at the nearby historic landfill site, the applicant may wish to carrying out landfill gas monitoring prior to development to establish whether landfill gas levels are present/significant. In the event significant levels are discovered appropriate mitigation measures shall be

included in carrying out the development to protect against hazard caused by landfill gas migration.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

The approved vehicle parking areas will need be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (**parking areas**)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden
[S](#)

NOTE re condition 15:

Guidance provided by the Kirklees Waste strategy team indicates that a refuse collection vehicle will not usually traverse a private driveway that is not constructed to adoptable standards and that the bins should be presented for collection within 8m of the adopted highway. The locations presented within the drawing do not conform to this guidance and there is no indication where a suitable bin collection point could be located, and we would not wish to see the bins left obstructing the adopted footway for highway safety reasons. The current bin storage locations are approximately 50m from the adopted and this would become an issue for the waste collection team if they were to need to supply an assist service for either dwelling. We would recommend that the applicant contacts waste.strategy@kirklees.gov.uk as the earliest opportunity to resolve these issues.

NOTE: It should be noted that the access is unadopted and in private ownership. The granting of planning permission does not convey authority to extinguish or alter any private rights of access or other covenants on or over land which would need to be resolved outwith the scope of planning legislation.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan as Existing	EX0001	A	19 th April 2023
Site Plan as Existing	EX002	C	19 th April 2023
Information as Existing House	EX006	C	19 th April 2023

and Barns A+B			
Site Plan as Proposed	AL0002	C	29 th September 2023
Demolitions as Proposed	AL0004	C	29 th September 2023
Information as Proposed	AL0006	B	29 th September 2023
Noise Impact Assessment – Supporting Information	8428MB	001	19 th April 2023
Air Quality Assessment – Supporting Information	6042r1	1	19 th April 2023
Climate Change Statement – Supporting Information	-	-	19 th April 2023
3D Visuals Proposed Barn Conversion – Supporting Information	-	-	29 th September 2023
Design & Access Statement – Supporting Information	-	B	19 th April 2023
Schedule of Works – Supporting Information	-	-	29 th September 2023
Arboricultural Impact Assessment – Supporting Information	AIA-1749-1	-	24 th October 2023
Heritage Assessment – Supporting Information	-	-	19 th April 2023
Precedent Study – Supporting Information	-	-	29 th September 2023

Pursuant to article 35(2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant

in dealing with the application. Following receipt of comments received from consultees, amended plans have been received during the course of this planning application in respect of access, trees and the overall scale and design of the proposed extension and works to the existing barn.

Report Dated: 21st December 2023