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:	**2023/62/91969/W**
Site Address:	1, Cuckoo Lane, Honley, Holmfirth, HD9 6AS
Description:	Change of use to lower ground floor office (2 Thirstin Road) to residential accommodation used in connection with existing dwelling (1 Cuckoo Lane) and external alterations (within a Conservation Area).
Recommending Officer:	Tom Hunt

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: 27th November 2023

Officer Report

Site Description

2023/91969 – 1, Cuckoo Lane, Honley, Holmfirth, HD9 6AS

The application site relates to a two-storey building in L shaped configuration with an understorey adjacent to Thirstin Road. The building is constructed with natural stone and roofed using slate. It is in a prominent corner plot location with a 'front' garden bounded by stone walls, with the boundary adjacent to Thirstin Road being raised above highway ground level. It has a courtyard style rear amenity area on lower ground than Cuckoo Lane and a small outside amenity space next to Thirstin Road.

The building was previously two properties, now amalgamated into one with separate office within its lower ground floor.

It is within Honley Conservation Area.

Description of Proposal

Change of use to lower ground floor office (2 Thirstin Road) to residential accommodation used in connection with existing dwelling (1 Cuckoo Lane) and external alterations (within a Conservation Area).

All figures are in metres and approximate.

Planning permission is sought to convert the lower ground floor into living quarters and so to have the whole property under residential use as a single C3 dwellinghouse. This would add a bedroom (21.6sqm) with ensuite, kitchen/living area and music room. It would become a four bedroom property.

It is planned to replace PVC windows with double glazed, accoya framed, sash windows finished in heritage cream paint. Two roller shutters would be removed from the two ground floor windows and a doorway would be relocated within an historic door opening at the west elevation with the previous existing doorway infilled with natural stone. Two new rooflights will be inserted to the host's roof plane at rear.

History of negotiations/amendments received

The case officer considered the application on review. Clarifications and amended plans and descriptions were requested to ensure that the visual and heritage amenity were either preserved or enhanced and to make clear that the change of use of the lower ground floor is for the use of No. 1. Following responses from Conservation & Design Officer and Highway Development Officers, the proposed demolition of the boundary wall and parking was removed from the description and the proposed development applied for.

Relevant Planning History

86/04108	Change of use from vacuum cleaner/washing machine repair shop into offices for insurance purposes (Within Conservation Area). *Approved.*
87/02226	Erection of illuminated post mounted sign (Within Conservation Area). *Refused.*
87/03647	Illuminated post mounted sign. *Granted.*

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, Site Notice and Press Publicity which had expired on 18/09/2023.

Four representations have been received (three Supporting/one Objection):

- Parking – would relieve onstreet parking pressure in an oversubscribed area.
- Partial demolition of the boundary wall would affect the character and appearance of the Conservation Area

Officer Note: Reference was made regarding demolition of a boundary wall close to this property within a planning application which was refused and known to the Conservation & Design Officer. The description and proposal was later altered to remove parking and demolition of the boundary wall from the proposed development.

Amended plans were received and the description altered however they were not readvertised as they did not have a conflict with the development plan and had reduced impacts on planning material considerations.

Consultation Responses

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

- Conservation & Design – Support (amended proposal).
- Highway Development Management – Preliminary consultation with a Highways Engineer indicated that the parking spaces would not be supported on grounds of Highway Safety. The spaces were removed and the proposal has been assessed on the altered description.

Holme Valley Parish Council – Support with parking a noted benefit.

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) and the Holme Valley Neighbourhood Development Plan adopted 8th December 2021.

The site is within the Holme Valley Neighbourhood Plan under Local Character Area 6: 'Honley Village Centre' and is unallocated land for development on the Kirklees Local Plan. It is within Honley Conservation Area.

It is within a Low Coal Risk Area, a low probability area for flooding, a historic landfill buffer area and a twite buffer area.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

HVNDP Policies relevant to this application are:

- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 11: Improving Transport, Accessibility and Local Infrastructure
- Policy 12: Promoting Sustainability
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed places
- 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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on heritage amenity
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

The site is within the Holme Valley Neighbourhood Plan under Local Character Area 6: 'Honley Village Centre' and is unallocated land for development on the Kirklees Local Plan.

The site is located within Honley Conservation Area, and as such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states "*development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm".*

This is mirrored in Chapter 16 of the NPPF of which paragraph 202 of the NPPF states that 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.

A detailed consideration of the impact on the heritage assets will be considered below.

Policy LP24 of the KLP is also relevant and states that *"good design should be at the core of all proposals in the district".* The House Extensions and Alterations SPD have been used as a guide in relation to the proposal to integrate the property fully into residential use and make alterations to the

host as it would not create a new residential unit. Alongside this, LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The aforementioned policies are taken into account within the following report. Having regard to the nature of the proposal and the aforementioned policies, the principle of development could be considered acceptable, subject to the following material planning considerations.

2 –Impact on heritage amenity:

The Conservation & Design Team was informally consulted and raised an initial objection to removal of boundary wall due to its harmful impact on the character and appearance of Honley Conservation Area and it was considered that there were no public benefits that could outweigh this harm. In addition, it is noted that the historic stone boundary wall is 1.37m height from ground level and therefore it could not be removed without planning permission (relevant demolition within a conservation area). This element was removed from the proposal and the initial objection was altered to Support.

The proposal would bring back into use the entirety of the building to be used as residential which would be in keeping with its historic use and use high quality materials. It would replace poor quality PVC windows with replacement high quality timber materials, double glazed windows finished in heritage cream paint and entrance doors replaced with timber dark blue finish; this would have the benefit of unifying the design which would be consistent on the elevations of the host improving visual amenity. The removal of harmful roller shutters and relocation of a door to an existing infilled door entrance would provide a sensitive and modestly improved side elevation in keeping with the residential area. The old entrance to the side elevation would be suitably infilled in natural stone which can be conditioned to match the existing building and be regarded as a minor visual alteration whilst allowing the viewer to see the historic entrance with its surround. The addition of rooflights would be a minor alteration and be acceptable.

Parking as noted within representations and the comment by Holme Valley Parish Council is oversubscribed in the area. The previous office use would have had intensified parking demand locally from customers and workers compared to the proposed use by a single household and would naturally reduce the potential parking pressure in an oversubscribed area for parking, despite the proposal not now proposing any additional parking.

Cumulatively, the proposal would visually enhance the dwellinghouse, remove harmful commercial features, and enhance Honley Conservation Area, as such it would be compatible with duties within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy LP35 of the Local Plan.

As such the development is considered to comply with national and local Heritage policies for the Listed Building and Honley Conservation Area.

3 – Impact on Visual amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, Policy 2 of the HVNDP and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape, heritage assets and protect amenity.

Policy 2 of the HVNDP supports high quality materials aiming to have proposals harmonise with its setting and avoiding harm to heritage assets by retaining historic features such as boundary walls; as discussed previously the proposal would achieve this aim.

As discussed in the Heritage Amenity section above, the proposal would serve to have a complementary visual impact using high quality materials and removal of harmful interventions on the host (i.e., PVC windows and roller shutters) and Honley Conservation Area setting complying with the above policies.

To conclude, it is considered that the proposed development would meet the aims of Chapters 12 and 16 of the NPPF by contributing positively to Honley Conservation Area and would also be in accordance with Kirklees Local Plan Policies LP2, LP24 and LP35, Policy 2 of the HVNDP, the Principles in the House Extensions and Alterations SPD and Chapter 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2021 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD sets out expectations for alterations to properties to ensure high quality residential amenity.

The proposed alterations relevant to residential amenity would be the change of use from commercial to residential for the lower ground floor and its windows. The separation distance to the opposite neighbouring residential properties would remain the same and in accordance with Key Design Principle 3, section 4.10 of the SPD. There would be no additional bulk or massing to lead to overshadowing and overbearing concerns.

There is potential for the lower ground to be a self-contained dwelling or letting unit as indicated by the facilities within (double bedroom/shower room/kitchen), which does not have any parking spaces attached and the description was altered to reflect the confirmed intent of the proposal to amalgamate the lower ground with the entire property for one C3 use. Officers recommend a condition to be attached to the Decision to have the lower ground floor to be used as ancillary to no. 1 Cuckoo Lane and not rented out or sold as a discreet dwellinghouse in its own right, in order to satisfactorily preserve residential amenity from potential intensified use to comply with LP24b.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, there would be a neutral impact taking into account site constraints with no additional adverse impacts.

Subject to the recommended condition, the proposal would therefore be in general conformance with LP24b and the principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Key design Principle 15 –16 of the House Extensions and Alterations SPD, KC Highway Design Guide SPD and Chapter 9 of the NPPF have been considered.

Typically for a 4 bedroom dwelling, the Highways Design Guide SPD recommends that it should have a minimum of 3 off street parking spaces to meet need and to ensure on street parking impact is limited. There are no parking spaces provided and bin arrangements will remain as existing. The proposal is to re-integrate an existing dwelling and office to be wholly for residential use with additional bedroom to the host.

Whilst provision of off-street parking was initially mooted, the site constraints bounded by a historic stone wall of 1.37m height from ground, Honley Conservation Area and the preliminary response from the Highways Engineer indicated that this was not supported or possible without harmful impacts to heritage assets or highway safety. As such, the existing parking arrangement would remain unaltered albeit with a reduction in parking demand from the removal of the commercial space to the lower ground floor as previously mentioned. Subject to the previously mentioned recommended condition having the lower ground floor remain in ancillary use and avoiding parking pressure from two households, Officers recommend that the proposal be acceptable as it would not cause any significant additional harm to highway safety and would have an expected reduction in business related parking.

5 – Other matters:

Climate Change
When determining planning applications the Council will use the relevant Local Plan and Holme Valley Neighbourhood Development Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.
Biodiversity
Whilst considering Biodiversity, Principle 12 – Natural environment, Principle 13 – Vegetation and tree planting of the adopted 'House Extensions and Alterations SPD' in conjunction with LP 30 of the Kirklees Local Plan is relevant.
Whilst it is acknowledged that the site is located within an identified twite buffer area, the proposals are relatively modest, outside of the bird breeding season and therefore considered unlikely that the proposals would affect preferred twite nesting grounds being within an urban area. An informative has been provided however, making the applicant aware that if breeding birds are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.
The proposal would have a neutral impact on Key Design Principle 12-13 of the SPD, HVNDP and therefore can be supported.
Contaminated and unstable land.
The property is within an area known to be within a historic landfill buffer area. the works proposed would have minor groundworks to the existing hard standing to enable the side elevation doorway to function; therefore a precautionary condition on discovery of land contamination is recommended to fulfil LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.
6 – Representations:

4 representations had been received and considered within the report.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated

Application Number: 2023/91969

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22, LP35 and LP24 of the Kirklees Local Plan, Key Design Principles 1– 17 of the Council's House Extensions & Alterations Supplementary Planning Document, Policies 1, 2, 12 and 13 of the Holme Valley Neighbourhood Development Plan and Policies within Chapters 2, 12, 14 and 16 of the National Planning Policy Framework

3. The change of use of the lower ground floor accommodation to residential use for no. 1 Cuckoo Lane hereby approved shall be used solely for ancillary purposes to the dwellinghouse 1 Cuckoo Lane, Honley, and as such shall not be sold, leased or used as an independent dwelling, or let out as holiday accommodation.
Reason: For the avoidance of doubt as to the development permitted, as different amenity and parking considerations would be taken into account if

the building was to create a separate unit of accommodation. This would accord with Policies LP21 and LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 9 and 12 of the National Planning Policy Framework.

4. The external stone wall infill materials of the doorway alteration hereby approved shall in all respects match those used in the construction of the existing building.
Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policies 1 and 2 within the Holme Valley Neighbourhood Development Plan and policies within Chapter 12 and 16 of the National Planning Policy Framework.

5. In the event that contamination 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 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. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as 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 public safety and to comply with LP 53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

FOOTNOTE: 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.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties, the highway or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

FOOTNOTE: Should any breeding birds be found during the development, then work must cease immediately, and the advice of a licensed ecologist sought.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan.	Drawing no. PP 2023-OS 05.	Unamended.	03/07/2023
Existing South Elevation/streetscene Plan.	Drawing no. PP 2023 - EEWSS07.	Unamended	17/07/2023
Existing Floor Plans.	Drawing no. PP 2023 EFP 02.	Amended	20/11/2023
Existing Elevation Plans.	Drawing no. PP 2023 - EE 01.	Unamended.	03/07/2023
Existing and Proposed Landscaping/Roof Plans.	Drawing no. PP 2023 - ELF 12.	Amended	24/11/2023
Proposed Floor Plans.	Drawing no. PP 2023 PFP 07.	Amended	20/11/2023
Proposed Elevation Plans.	Drawing no. PP 2023 - PE 06.	Unamended	03/07/2023
Heritage Statement	-	Original	03/07/2023
Climate Change Statement	-	-	05/07/2023

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 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. The case officer undertook negotiations with the applicant to secure amended plans and description to ensure the scheme minimised the impact on Honley Conservation Area.

Report Dated: 24/11/2023