# 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: | **2023/62/92934/W** |
| Site Address: | Instant Focus, 26, Westgate, Honley, Holmfirth, HD9 6AA |
| Description: | Change of use and alterations to offices to form one dwelling (Listed Building within a Conservation Area) |
| Recommending Officer: | Laura Yeadon |

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 5th December 2023

**Officer Report**

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f92934

**Site Description**

26 Westgate is a mid-terraced property which is a Grade II Listed Building located within the Honley Conservation Area. The property is back-to-back and two storeys in height with roof within the attic space. The building currently operates as office space and fronts Westgate. The front elevation of the building hosts mullioned windows. No. 30 and No. 24 are commercial units at ground floor with No. 28 being residential.

**Description of Proposal**

Permission is sought to change the use of the building from office to dwelling. Based on the submitted details the total usable accommodation would be approximately 80 square metres. Confirmation has been received from the applicant that there are no proposed internal or external changes to the building.

Listed Building Consent has also been sought under application number 2023/92963 and runs concurrently with this application.

**History of negotiations/amendments received**

Confirmation was requested in terms of the proposed works as the existing and proposed plans had different layouts however no Heritage Statement had been submitted. The applicant has confirmed that the existing and proposed layouts were as per the 2007 application and there have been no alterations to the property in the intervening 15 years with none now proposed. As such, it is accepted that no Heritage Statement was required in this instance.

**Relevant Planning History**

Planning/Listed Building applications

1998/90456 Listed Building Consent for installation of roof light (within a Conservation Area)
*Consent Granted*

1999/91623 Listed Building Consent for installation of an external flue (within a Conservation Area)
*Consent Granted*

2006/94169 Listed Building Consent for internal refurbishment (including conversion of cellar) to provide protected stairwell throughout building (within a Conservation Area)
*Refused*

2007/91833 Listed Building Consent for internal alterations (within a Conservation Area)
*Consent Granted*

2023/92963 Listed Building Consent for change of use and alterations to offices to form one dwelling (within a Conservation Area)
*Under consideration – runs concurrently with this application.*

Planning Enforcement Investigations

COMP/21/0375 Alleged unauthorised PVC door (in blue) and replacement windows grade II listed
*Breach not expedient*

**Representations**

We are currently undertaking the legal 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 newspaper advertisement.

Final publicity date expired 3rd December 2023 – no representations received

Holme Valley Parish Council – no response to date

**Consultation Responses**

K.C Conservation and Design – no concerns

**Policy**

The statutory Development Plan for Kirklees is the Local Plan (adopted February 2019) and Holme Valley Neighbourhood Development Plan. The site is also within the Holme Valley Neighbourhood Development Plan Area (adopted December 2021).

The site is a Grade II Listed Building located within the Honley Conservation Area within the Kirklees Local Plan.

The listing description is as follows:

*Nos 24, 26 and 28 (Westgate) and 1, 2 and 7 (Lupton Square)*

*Part of terrace, back to back. Early C19. Hammer dressed stone. Stone slate roof. Two storeys. South-east elevation: 4 entrances (one blocked) with steps. Each dwelling has either 2 single lights or one 2-light stone mullioned window. First floor: two 3-light stone mullioned windows to each dwelling (two 2-light and 4 and 5-light stone mullioned windows, with some alterations and some mullions removed. First floor: two 3-light stone mullioned windows to each dwelling, some mullions removed. North-east gable: 2 entrances to ground floor. Loading door to attic (part blocked) and 2 blocked lights.*

The site also falls within the Holme Valley Neighbourhood Development Plan and is within an associated landscape character area 6 Honley Village Centre.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 7** – Efficient and effective use of land and buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 13** – Town centre uses
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 35** – Historic environment

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 8 – Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres
- Policy 11 – Improving of transport, accessibility and local infrastructure.
- Policy 12 – Promoting Sustainability.

The application site is within Landscape Character Area 6, Honley Village Centre.

The key landscape characteristics of the area are:

- Wooded valleys associated with Mag Brook and Magdale.
- Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.

The key built characteristic of the area are

- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.

- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver's cottages with rows of mullioned windows are found throughout area.
- Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

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 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
The Planning and Compulsory Purchase Act 2004.

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).

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

**Assessment**

The following matters are considered in the assessment below –

1) Principle of development

1) Impact on visual amenity and Conservation Area/ Listed Building
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is within the Honley Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan. In addition, the property forms part of a Grade II Listed Building and therefore Section 66 of the above Act is also of relevance.

Policy LP1 of the Kirklees Local Plan states that:

*"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

The proposal seeks to change the use of the office space to one dwelling. Office areas constitute a 'main town centre use' as set out in Annex 2 of the National Planning Policy Framework and the site is within the defined Honley District Centre and Honley Conservation Area within the Kirklees Local Plan.

Policy 13 of the Kirklees Local Plan and in terms of 'District Centres' these are defined as the following:

- Provide a range of shopping for everyday needs and serving specialist markets
- Be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services.

The floor area of the building is limited and the property is surrounded by a mixture of residential and commercial properties. It is not considered that the loss of a limited number of job opportunities served by the property, with offices not listed in the aims of the 'District Centre' above, would have a significant impact on the District Centre whereby alternative office space could be accommodated within the area. As such, the proposed use is considered acceptable in relation to the loss of the current office use of the building in this location and is not considered to cause significant harm to the vitality of the Town Centre in accordance with Chapter 2 of the National Planning Policy or LP13 of the Kirklees Local Plan.

Policy 8 of the Holme Valley Neighbourhood Development Plan (part 4) states the re use of upper floors for residential use will be supported subject to the use being compatible with ground floor commercial uses.

Policy 6 of the Holme Valley Neighbourhood Development Plan sets out the requirement of sets out that developments will be expected to demonstrate that densities make best and efficient use of land. Within paragraph 4.5.16 of this plan it is stated that within the Holme Valley a density level of 30 dwellings per hectare should be sought whilst recognising the higher density level sought by policy LP7 of the Kirklees Local Plan

Policy LP3 of the LP 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 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.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.
As set on in NPPF paragraph 11d, this means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal would see the use of the building contribute to housing provision in the locality, given the size of the building it is considered it would be at a density level which is in accordance with that set out in the aforementioned policies (LP7 of the Kirklees Local Plan, Principle 4 of the Housebuilders Design Guide SPD and policy 6 of the Holme Valley Neighbourhood Development Plan).

The building, being a listed building would benefit from being brought into a secure and continued use which would reduce the risk of the building falling into disrepair. In addition the proposal would contribute to provision of housing in the locality and, as identified, would see the small scale loss of an identified town centre use. Having regard to the benefit associated with the proposed development in relation to impact upon provision of housing / upon a listed building it is considered the proposed change of use is acceptable in principle in this case.

Given the above, it is considered that the proposal would be acceptable in principle subject to being concluded as acceptable in relation to all other applicable policies (discussed within the following report). As such it is considered the proposal meets the requirements of policies of LP1, LP2, LP3, LP7, LP11 and LP24 of the Kirklees Local Plan, Principle 4 of the Housebuilders Design Guide SPD, Policies 6 & 8 of the Holme Valley Neighbourhood Development Plan and sections 2 and 11 of the NPPF.

2 – Impact on visual amenity and Conservation Area or Listed Building:

As stated above, the building is a Grade II listed building. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Section 72 of the Act, and the duty surrounding the desirability of preserving or enhancing the character or appearance of the conservation area, is also relevant. This is re-iterated within Policy LP35 of the Kirklees Local Plan.

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

Principles 5, 12, 13, 14 and 15 of the Housebuilders design guide SPD deal with design considerations. Given the proposal is principally related to the use of the building it is considered these principles are of limited relevance.

In this instance, the application has been submitted with existing floor plans. Correspondence with the applicant have confirmed that the proposed development does not include any changes to the internal or external fabric of the building.

As there are no proposed alterations to the building, it is not considered that the proposal would have a negative impact on the host or surrounding listed buildings or wider Conservation Area with the property reverting back to its original use. As such there are no concerns regarding the impact of the scheme on the visual amenity of the area either.

As such, the proposal is considered to comply with Policies LP24 and LP35 of the Kirklees Local Plan, Policies 1, 2 and 3 of the Holme Valley

Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework & the requirements of The Planning (Listed Building and Conservation Areas) Act 1990.

3 – Impact on residential amenity:

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the House Builders 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.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

In this case, no alterations or extensions to the property are proposed. Given the character of the terraced row and that the properties appear to be former dwellings with a mixture of commercial and residential units within both sides of Westgate, it is not considered that the proposed works would increase any harm to residential amenity as the building and its neighbouring properties retained as existing.

In terms of space standards, the National Described Space Standards document states that two bedroom properties over two storeys for 4 no. people should provide 79 square metres of accommodation. Whist it is not annotated on plan as to the proposed use of the attic space, as the property hosts approximately 80 square metres of accommodation with 2 no. bedrooms clearly demonstrated at first floor, it is considered that the works would comply with these standards.

Whilst there would be limited amenity space provided, this is balanced against the fact the site is in a highly sustainable location and relates to a listed building. In addition an area of public open space (Honley park) is a short walk (approx 1 – 2 minutes) from the property which provides an area of open space which is in close proximity to the site. As such in this case it is considered the proposal is acceptable with regard to amenity space provision.

As such, it is not considered that the proposal would cause increased harm over and above the existing situation to either the host or neighbouring properties and is therefore acceptable having regard to the aforementioned policies.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance. Policy 11 of the Holme Valley Neighbourhood Development Plan seeks the improvement of transport, accessibility and local infrastructure.

The site is located within the Honley District Centre with no dedicated parking for the proposed development indicated on the application form. However, given the limited nature of the development being 80 square metres in total and the location of the building being within a sustainable location, there are minimal concerns regarding the lack of dedicated parking. In addition its current use is likely to generate a similar level of parking demand.

No details of refuse storage or collection have been provided on plan but the application form states that storage and collection will be as existing to the space behind the garage adjoining No. 30. Given this, and the size of the unit, no further details are considered to be necessary in this case.

The proposal is therefore considered acceptable in this regard in accordance with the aforementioned policies.

5 – Other matters:

*Climate Change* - Policy 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings. 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.

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

A Climate Change Statement has been submitted with the application noting that the property is well insulated in the roof space and energy efficient windows and doors are in place. As there are no proposed changes to the building, this is considered to be acceptable.

*Coal legacy* – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 174 and 183 of the National Planning Policy Framework.

6 – Representations:

None

7 – Conclusion:

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

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

**Recommendation** **APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2023/92934

**Officer Recommendation:** Approve

**Conditions:**

1. The development hereby permitted shall be begun within three years of the date of this permission.
**Reason**: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies s LP1, LP2, LP7, LP11, LP13, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, principles 4, 6, 7, 13, 14, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD Policies 1, 2, 3, 6, 8, 11 and 12 of the Holme Valley Neighbourhood Development Plan and to accord with Policies within Chapters 2, 7, 12, 14 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location plan (not including plan as existing) | | | 6th October 2023 |
| Ground floor plan | 07/65/91833 | | 30th October 2023 |
| First floor plan | 07/65/91833 | | 30th October 2023 |
| Attic plan | 07/65/91833 | | 30th October 2023 |
| Climate Change Statement | Appendix A | | 10th October 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.

Confirmation was requested in terms of the proposed works as the existing and proposed plans had different layouts however no Heritage Statement had been submitted. The applicant has confirmed that the existing and proposed layouts were as per the 2007 application and there have been no alterations to the property in the intervening 15 years with none now proposed. As such, it is accepted that no Heritage Statement was required in this instance.

**Report Dated:** 4th December 2023

Coal – low