

**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:	<b>2024/62/90160/W</b>
Site Address:	Ashfield Hotel, 95, New North Road, Huddersfield, HD1 5ND
Description:	Erection of single storey quarter house (Listed Building within a Conservation Area)
Recommending Officer:	Laura Yeadon

**DECISION - REFUSE**

**I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Julia Steadman

***AUTHORISED OFFICER***

**Date: 03/04/2024**

## **Officer Report**

[Weblink](#)

### **Site Description**

The site comprises of a two/three storey semi-detached property which is a Listed Building located within the Greenhead Park/New North Road Conservation Area. The building is set back from the roadside, separated by a small front garden area and has a lawned garden to the rear where an existing stone constructed shed is located. Parking provision for the building is located to the rear of the property which is accessed via a private access off Cedar Avenue. Limited 'short stay' parking is available on New North Road.

The property currently operates as The Ashfield Hotel with the attached neighbouring property is residential and split into flats. The pair of properties and the neighbouring detached dwelling (also residential flats) are Listed Buildings.

### **Description of Proposal**

The application is for the erection of a single storey quarter house which would be used in conjunction with the operation of the hotel and would provide facilities for the night shift employees in the form of a bedroom, bathroom, lounge and dining/kitchen. The building would be located within the rear garden of the property, adjacent to an existing shed.

The measurements of the proposal are as follows:

- 7.7 metres in width
- 6.7 metres in depth
- 1.6 metres in height to eaves
- 2.6 metres in overall height

It is proposed that the quarter house would be constructed with coursed hammer dressed stone with ashlar stone surrounds, timber framed openings and a blue slate roof.

### **History of negotiations/amendments received**

No negotiations have taken place with the applicant/agent due to the concerns of the development on heritage grounds. In addition, formal pre-application was given which clearly set out the requirements of a future planning application under application number 2022/21263 dated 27<sup>th</sup> January 2023.

## Relevant Planning History

- 1992/01678 Erection of conservatory  
*Conditional Full Permission*
- 1992/01679 Listed Building Consent for erection of conservatory  
*Consent Granted*
- 1997/90316 Change of use of nursing home and alterations to form extension to existing hotel with domestic accommodation (Listed Building within Conservation Area)  
*Conditional Full Permission*
- 1997/90317 Listed Building Consent for alterations to nursing home to form extension to existing hotel with domestic accommodation (within Conservation Area)  
*Consent Granted*
- 1997/91129 Erection of illuminated fascia sign (Listed Building within a Conservation Area)  
*Advertisement Consent Refused*
- 1997/91130 Listed Building Consent for erection of illuminated fascia sign (within a Conservation Area)  
*Consent Refused*
- 1997/92320 Listed Building Consent for installation of 2 no. conservation type rooflights and replacement door (within a Conservation Area)  
*Consent Granted*
- 1997/92744 Erection of illuminated fascia sign and illuminated free-standing sign (Listed Building within Conservation Area)  
*Advertisement Consent*
- 1997/92745 Listed Building Consent for erection of illuminated fascia sign (within Conservation Area)  
*Consent Granted*
- 2000/90284 Listed Building Consent for installation of replacement windows, doors and rear steps (within a Conservation Area)  
*Consent Granted*
- 2001/93484 Listed Building Consent for internal alterations to create en-suite facilities to first and second floor bedrooms (within a Conservation Area)  
*Consent Granted*

- 2002/92153 Change of use to convert existing hotel into 2 no. dwellings  
(Listed Building within a Conservation Area)  
*Conditional Full Permission*
- 2002/92154 Listed Building Consent to convert existing hotel to 2 no.  
dwellings (within a Conservation Area)  
*Conditional Full Permission*
- 2002/92232 Change of use from hotel to offices (Listed Building within a  
Conservation Area)  
*Conditional Full Permission*
- 2002/92266 Listed Building Consent for alterations to hotel to form offices  
*Consent Granted*
- 2004/95809 Change of use form residential offices (Listed Building within a  
Conservation Area)  
*Refused*
- 2005/94624 Change of use from residential to offices (Listed Building within  
a Conservation Area)  
*Conditional Full Permission*
- 2009/91301 Listed Building Consent for alterations  
*Consent Granted*

### **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 22<sup>nd</sup> March 2024 – no representations received

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

### **Consultation Responses**

K.C Conservation and Design - unable to support the proposal

K.C. Highways Development Management – no objection

### **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 27<sup>th</sup> February 2019).

The site is a Grade II Listed Building and is located within the Greenhead Park/New North Road Conservation Area. The building is also within a high risk coal mining area and also within an area with a known presence of bats.

The listing description is as follows:

*NEW NORTH ROAD 1. 5113 (South Side) Highfield Nos 93 and 95 SE 1317 27/1437 II 2. Mid C19. Hammer-dressed stone. Ashlar dressings. Pitched slate roof. 2 storeys and attics. Symmetrical 3-gabled front. Attic windows are 2-centred arched sashes with hoodmoulds. 1st floor windows are cusped sashes with hoodmoulds, paired in gabled bays. Ground floor has 2 canted bays with moulded cornices and parapets in outer bays: central 3-light sash with hoodmould: 2 flanking doors with moulded 2-centred arches and hoodmoulds.*

#### Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP35 – Historic environment
- LP53 – Land stability

#### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

## Legislation

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## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area and 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 without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating 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 site is located within a 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.

Section 66 of the Planning (Listed Building & 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. This is also reiterated within Policy LP35 of the Local Plan.

The principle consideration in this case is the impact of the scheme on the Listed Building and wider Conservation Area, as well as other relevant material considerations.

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

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

Paragraph 201 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are properly conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 208 the NPPF is clear that where development will lead to less than substantial harm to the significance of the of a designated heritage asset, this harm should be weighed against the public benefits of the proposed building including, where appropriate, securing its optimum viable use.

As the property is a Listed Building within a Conservation Area, the Council's Conservation and Design Team were formally consulted as part of the application process. The comments received cite that although an existing outbuilding is located in the rear garden of the attached semi-detached house at 93 New North Road (now flats) which appears to set a precedent, the OS map of 1933 shows a structure on the same footprint indicating that it was constructed before this date. It therefore pre-dates the listing and conservation area designation and we would not use this as a precedent for the proposed development.

The comments go on to state that whilst the building is simple in design and constructed from matching materials, there are concerns regarding the principle of the development which would cause less than substantial harm to the setting of the listed building by the construction of another building within a relatively small garden area.

The submitted information states that the overnight staff accommodation is required to provide facilities for the night shift employees and the Heritage Statement states that employees currently only use the reception area and have a sofa bed. Pre-application advice was obtained prior to the submission

of this application which advised that the Heritage Statement should provide clear and convincing justification for the building including clear evidence that suitable accommodation is not available within the hotel. However, this information has not been submitted as part of the application. As such, there is no clear public benefit for the proposed building which would outweigh the harm to heritage assets.

Therefore, Conservation and Design Officers do not consider that the construction of a building within the rear garden has been clearly justified and would recommend that the provision of suitable accommodation within the existing building is explored, which in turn would ensure that staff are within the main building and more readily available for guests.

In terms of visual amenity, the works would be to the rear of the property in an area bound by high stone boundary walls. Access to the rear of the building is off a private access road off Cedar Avenue. Due to limited accessibility to the rear, it is not considered that the proposed building would be highly prominent and therefore would not be particularly visually intrusive. The proposed construction materials would match the host property and should the application be approved, conditions can be imposed to ensure the materials of construction are in keeping with the host building. Therefore, in terms of design, the proposal, in isolation, meets the requirements of Policy LP24 of the Kirklees Local Plan.

Whilst the building is relatively small in size and would be viewed as a subservient building given the scale of the host property, it is not considered that sufficient information has been submitted in relation to the impact of the building on the heritage assets and the public benefit of the building to outweigh the harm has not been identified. Therefore, it is not considered that the proposal would accord with the statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy LP35 of the Kirklees Local Plan and paragraphs 206 and 208 of the NPPF.

### 3 – Impact on residential amenity:

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.

The site has amenity space to the front and rear and it is proposed that the works would be within the rear garden. There is a large outbuilding within the rear curtilage of the neighbouring property No.93. It is considered that a modestly sized single storey outbuilding would not have a significant impact upon the amenity of this building in terms of overshadowing or by being overbearing. Whilst the use would be by night staff, it is not considered likely they would use the accommodation in a manner which would impact neighbouring occupiers. Its use as a building to be used solely by staff of the hotel.

In terms of the amenity of future occupiers of the building, it is not proposed that the accommodation would be as a permanent independent dwellinghouse. Whilst the building exceeds the minimum space standards, due to the limited rear amenity space, should the application be approved, a condition can be attached to ensure that the use of the building remains an ancillary use to the host property and should not be let out, or sold, as an independent planning unit or living accommodation.

It is therefore considered that the proposal would comply with the requirements of Policy LP24 of the Kirklees Local Plan and advice within Chapter 12 of the National Planning Policy Framework.

#### 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 Highways DM Officers have been formally consulted as part of this application and raise no concerns with the proposed development. The comments received cite that as the proposed building is ancillary to the hotel and not an independent building, it is not considered that there would be any highway implications as a result of the development.

#### 5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the 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 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.

A Climate Change Statement has been submitted as part of the application submission which identifies that the new construction would be built in

accordance with Part L Building Regulations and that all materials for construction would be work by local contractors and sourced locally. Given the size and scale of the development, this is considered to be acceptable.

Biodiversity – Paragraphs 186-188 of Chapter 15 of the National Planning Policy Framework are 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is due to the building being detached and not affecting the eaves or roof of the host building.

Coal High Risk - The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. 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 Policy LP53 and paragraph 189 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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

**Recommendation**

**REFUSE**

## Decision Authorisation - Delegated Powers

**Application Number:** 2024/90160

**Officer Recommendation:** Refuse

1. The proposed building is considered to cause less than substantial harm to the setting of the host listed building by the construction of another building within its curtilage. Paragraph 208 of the National Planning Policy Framework considers that great weight should be given in terms of the public benefit of development against the harm to the heritage asset from the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy LP35 of the Kirklees Local Plan and policies within the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location, site plan, proposed elevations and roof plan	Sheet 2		25 <sup>th</sup> January 2024
Existing and proposed ground floor plans	Sheet 1		13 <sup>th</sup> February 2024
Climate Change Statement	Appendix A		6 <sup>th</sup> February 2024
Design and Access Statement			25 <sup>th</sup> January 2024
Heritage Statement			6 <sup>th</sup> February 2024

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 did not undertake any negotiations as advice was provided at the formal pre-application stage.

**Report Dated:** 2<sup>nd</sup> April 2024

Coal – high