

**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:	2024/62/90360/W
Site Address:	Picturedrome, Market Walk, Holmfirth, HD9 7DA
Description:	Installation of 3 air source heat pumps to rear (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: 10th May 2024

Officer Report

Site Description

2024/90360 – Picturedrome, Market Walk, Holmfirth, HD9 7DA

The application site relates to a music venue known as the Picturedrome situated in the centre of Holmfirth. Surrounded by mainly commercial and business units, the building itself is constructed with a variety of (facing) materials with stone/brick and render to the principal elevation.

The south elevation to which this application relates to has a number of openings and an elevated fire escape extending part way on this elevation. There are two three-storey extensions. The specific site would be visually screened by its surrounding built development from the highway.

Description of Proposal

Installation of 3 air source heat pumps to rear (within a Conservation Area)

It is proposed to site three air source heat pumps to the southwest elevation of an existing, non-original, three storey extension (serving a lift-shaft) situated on the south elevation of the Host.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual, heritage and residential amenity.

Relevant Planning History

The wider application site has many previous applications however the ones most relevant to this southeast elevation are included as below (the heat pumps are attached to this three storey extension).

2017/93619	Erection of 3 storey extension, fire escape and lift (Listed Building within a Conservation Area). <i>Conditional Full Permission.</i>
2017/93620	Listed Building Consent for erection of 3 storey extension, fire escape, lift and internal works (within a Conservation Area). <i>Consent Granted.</i>
2024/90361	Listed Building Consent for Installation of 3 air source heat pumps to rear (within a Conservation Area). <i>Pending.</i>

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 a final expiry date of 07/04/2024.

No representations have been received.

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 – No Objections
- Environmental Health – Confirmed that they had no objections or concerns subject to inclusion of a compliance condition controlling noise.

Holme Valley Parish Council – Support

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
4: River Holme Settled Valley Floor.

The site is a Grade II Listed Building, close to the setting of similarly Listed Buildings in Homfirth Conservation Area on the Kirklees Local Plan.

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 26 – Renewable and low carbon energy**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 31 – Strategic Green Infrastructure Network**
- **LP 35 – Historic Environment**
- **LP 48 – Community facilities and services**
- **LP 51 – Protection and improvement of local air quality**

- **LP 52 – Protection and improvement of environmental quality**

Supplementary Planning Guidance and other considerations

- Planning (Listed Building & Conservation Areas) Act (1990)

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 8: Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres
- Policy 9 – Protecting and Enhancing Local Community Facilities
- Policy 11: Improving Transport, Accessibility and Local Infrastructure
- Policy 12: Promoting Sustainability
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Relevant to the scale of the proposal, Officers are required to consider the LCA and to support its local identity by:

- having regard for the key characteristics that give these areas their distinctive character and to respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.

The HVNDP (pages 37-38) sets out the relevant Key Characteristics of LCA4 in relation to Holmfirth as:

- Focal points are Picturedrome, Civic Hall, Masonic Lodge and the former Holmfirth Technical College

Officers are guided to assist with this aim with the following Character Management Principles as below:

- Respect long distance and local views.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful 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 visual amenity and heritage amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Policy 2 of the Holme Valley Neighbourhood Development Plan have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.

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 – Heritage

The site is located within Holmfirth Conservation Area and forms a Listed Building. The site is also within close proximity to a number of listed buildings. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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. Section 66 of the Act sets out a duty for local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to 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.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, 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 paragraph 208 in Chapter 16 of the NPPF.

Paragraph 203 goes on and states that Local planning authorities should consider:

"the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness" when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

1.2 Community Facilities

LP48 of the Kirklees Local Plan seeks to protect, retain or enhance the provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all communities. Chapter 8 of the NPPF, paragraph 97, requires the Local Planning Authority to ensure that its policies and decisions plan positively for community facilities and to guard against the *"unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs"*.

The proposal seeks to install renewable energy sources and to support the continued viability of this cultural centre.

Officers therefore conclude that the proposal would accord with the requirements of policy LP48 of the Kirklees Local Plan and Chapter 8 of the NPPF.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP35 of the Local Plan, Policy 2 of the HVNDP and Chapter 12 and 16 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity.

The Holme Valley Neighbourhood Development Plan guides Officers to consider the certain characteristics of their identified character areas for place shaping and good design. Of relevance to this proposal, the proposal would be sited at a heavily screened area due to surrounding built development to an existing, non-original three storey extension serving as a lift shaft. As such, it would not affect views from the Conservation Area substantially and would not affect the character of the Conservation Area. In addition, it would not affect the historic fabric of the building.

Close up, Officers concur that the functional and utilitarian nature of the installation's stark modern appearance would have limited visual impact to a

setting whereby existing installations of a similar nature reside and appear modestly in keeping. It is noted that the proposal would be sited at a lesser elevation of minimal architectural interest and would not significantly obscure this elevation. The cumulative effect of this is considered to contribute to visual clutter and be visually harmful in this regard.

The Conservation & Design Officer was also formally consulted and identified slight harm. Even though this would be less than substantial harm, great weight should be given to that harm.

The proposed development would have public benefits, specifically, in supporting a public cultural facility in reducing its carbon emissions for climate change/net zero targets and to reduce its energy bill so that it can be more viably run as a cultural community facility. Given the secluded nature of this minor form of development, leading to very minor visual impact to the Listed Building and to Holmfirth Conservation Area, Officers concur that the proposal would have sufficient public benefits identified to clearly outweigh the harm caused by the proposals.

The proposal is therefore regarded as acceptable for permission in this regard as it would appear visually in keeping with its immediate setting and be heavily screened by surrounding development. However its functional and stark modern appearance would cause less than harm to the significance of the Holmfirth Conservation Area and the Grade II Buildings. Public benefits to outweigh such harm have been demonstrated. The proposal is therefore compliant to Policies LP24 and LP35 of the Kirklees Local Plan, Government guidance contained within Chapters 12 and 16 of the NPPF and the Council's duties under the Planning (Listed Building and Conservation Areas) Act.

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 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

It is noted that there is one residential flat to the south of the installation at 20A Victoria Street and that the site is within a busy and vital Town Centre. The proposal would not lead to significant additional impact with regard to overbearing, overlooking and overshadowing to this flat given its nature and placement to the side of an existing three storey lift shaft.

Noise

It would however have the potential to have unacceptable noise impacts to the flat if not sufficiently controlled. The Kirklees Council Environmental Health Officer were formally consulted with regard to this potential and following their review of the proposal, recommended a condition to limit noise to satisfactory levels for all of the combined noise from the fixed mechanical services and external plant and equipment. In addition, the Council has powers over noise and nuisance should there be excessive noise, an informative would be attached to the decision to advise the developer/applicant of those powers to adequately control noise and other matters.

Subject to the recommended condition on control of noise levels, the proposal would therefore be in general conformance with LP24b, LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposed development would not adversely affect the existing parking spaces within the site, nor intensify use and therefore would not cause additional harm to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change

When determining planning applications, the Council will use the relevant Local Plan policies, Policy 12 of the Holme Valley Neighbourhood Development Plan, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. A Climate Change Statement has been supplied. The proposal is to install renewable air source heat pumps and would reduce carbon emissions in this regard. This is considered to have great benefit to the Council's aims to achieve net zero carbon emission targets and be acceptable.

Biodiversity and the Strategic Green Infrastructure Network

Whilst it is acknowledged that the site is located within an identified bat alert area and is within the Strategic Green Infrastructure Network, the proposals are relatively modest to a flat roofed lift shaft and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any installation shall cease and

the applicant is advised to contact Natural England for advice on how to move forward.

The small scale of the proposal limited to an existing elevation would have no impacts to existing vegetation or biodiversity within the Strategic Green Infrastructure Network. As such, it is proposed that this would require no additional compensation or mitigation to improve biodiversity to make it acceptable in line with Policy 13 of the Holme Valley Neighbourhood Development Plan, LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6 – Representations:

No representations had been received.

7 – Conclusion:

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

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

Recommendation

Approve

Decision Authorisation - Delegated

Application Number: 2024/90360

Officer Recommendation: Approve

Conditions and Reasons

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 to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan, Key Design Principles 1-17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12 and 14 of the National Planning Policy Framework

2. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

This Decision Notice should be read in conjunction with the associated planning application: 2024/90361.

FOOTNOTE: 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.

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. 23/949/01.	Unamended	19/02/2024
Existing Block Plan.	Drawing no. 23/949/02.	Unamended	19/02/2024
Proposed Elevation, Section, Floor and Roof Plans.	Drawing no. 23/949/03.	Unamended	19/02/2024
Design, Access and Heritage Statement	Design, Access and Heritage Statement by Paul Matthews Architectural Ltd. Job no. 23/949. Date: January 2024.	Unamended	19/02/2024
Supp Info – General	Installing a Heat Pump	-	22/02/2024
Supp Info – General	Model dB Range Specification	-	22/02/2024
Supp Info – General	Operating Instructions (extracted pages English Language)	-	22/02/2024
Supp Info – General	Heat Pump	-	19/02/2024

Plan Type	Reference	Version	Date Received
	Investment Roadmap		

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 considered the application on review and sought no amendments as it met Local Plan policies on visual, heritage and residential amenity.

Report Dated: 08/05/2024