

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:	2024/62/90516/W
Site Address:	Clifton House Surgery, 1, Church Street, Golcar, Huddersfield, HD7 4AQ
Description:	Planning permission for relevant demolition of garage (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.

Teresa Harlow

AUTHORISED OFFICER

Date: 11th April 2024

Officer Report

[Weblink](#)

Site Description

Clifton House, 1 Church Street is a former GP surgery which is single storey to the front elevation and two storeys to the rear constructed from stone. The building is semi-detached with the adjoining property being two storeys to the front elevation and three storeys to the rear and is in residential use on the Council's mapping system.

The property has a small strip of amenity space to the rear and to the side is a detached garage with amenity space to the front of the property which is covered by hardstanding. The garage is within the red line boundary on the location and site plan with the host property and amenity areas outlined in blue.

Description of Proposal

The application is for planning permission for the relevant demolition of a garage in a Conservation Area. The justification for this operation is contained within the Heritage and Design and Access Statement which cites that *'The application is supported by a Structural Report which states that there is significant structural movement in evidence to the garage walls and floors, with such movement ongoing and progressive, and with previous remedial repairs having been unsuccessful. The garage structure is assessed as being at the end of its serviceable life as the cost of further remediation works would far outweigh the value of the garage, making it uneconomical to repair. Considering the location of the garage on the edge of the valley escarpment, with the proximity to the housing below, the garage should be carefully demolished as a matter of urgency. The report advises that any further structural movement could result in the potential collapse of some parts of the garage with the likelihood of significant damage to the properties below occurring.'*

Following demolition, there is no permission in place to rebuild the structure and no details contained within the submission of the application regarding the restoration of the land. It is however noted that an application has been submitted for the host building under application number 2024/90501 for prior notification for change of use from commercial/business/service to one dwelling (within a Conservation Area) which is currently under consideration and not yet determined.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format however it was noted that

the Structural Report referred to within the Hertiage and Design and Access Statement had not been submitted with the application. Officer's requested this information and the Structural Report was received on 6th March 2024.

Relevant Planning History

1989/05602 Erection of single storey extension to surgery to form 2 no. consulting rooms
Granted Conditionally

2024/90501 Prior notification for change of use from commercial/business/service to one dwelling (within a Conservation Area)
Under consideration – not yet determined

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 7th April 2024

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 – 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 27th February 2019).

The site is within the Golcar Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 24** – Design
- **LP 28** - Drainage

- **LP 30** - Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and Improvement of Local Air Quality

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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- 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
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

Policy 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 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 the Golcar Conservation Area on the Kirklees Local Plan. Section 72 of the Planning (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 reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

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

The NPPF a further consideration and states under paragraph 212 that *“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208 as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”*

The above policies will be taken into account within the following assessment.

2 – Impact on visual amenity and Conservation Area:

The application relates to a detached garage structure within the curtilage of the former GP surgery known as Clifton House Surgery, 1 Church Street, Golcar. The garage structure is single storey to the front elevation and two storeys to the rear and is constructed from stone. Neither the garage structure nor host property is a listed building.

There is a datestone on the garage which dated 1912. The predominant character of the Golcar Conservation Area is weaver's cottages dating to the

early-mid 19th Century in terraces running parallel to the contours of the steep hillside and on the plateau at the top of the hill.

The garage structure is simple with a blue slate roof and coursed stone masonry. The front elevation is decorative with a Dutch gable with ashlar copings. The building is constructed above a high retaining wall at the top of a hillside and photographic evidence has been submitted that shows clear evidence of structural issues and subsidence.

Conservation and Design Officers have been formally consulted regarding the scheme and state that although the original elements of the of the front elevation are of architectural interest, the building is considered to only make a small contribution to the character of the Conservation Area.

The comments conclude that the proposal would lead to less than substantial harm to the significance of the Conservation Area, however, the harm is considered low as the building has limited interest and the proposed demolition is justified due to the poor structural condition of the building. The public benefit of the demolition would be to ensure that no damage is caused to the nearby cottages which is considered to clearly outweigh this harm.

It is therefore considered that the proposed would accord with the statutory duties under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan and advice within paragraphs 206, 208 and 213 of the NPPF.

3 – Impact on residential amenity:

It is considered that the proposal has no implications for residential amenity, however, a note will be attached to the decision notice regarding the appropriate hours of construction/demolition in order to minimise noise disturbance at nearby premises.

4 – Impact on highway safety:

It is considered that the proposal would not impact negatively on highway safety in any way and would accord with the aims of Policy LP21 of the Kirklees Local Plan.

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 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.

In this case, due to the nature of the proposal (demolition), it is not considered reasonable to require the applicant to put forward any specific resilience measures.

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

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

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. There is no recorded bat roost close to the site.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

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: 2024/90501

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 LP1, LP2, LP21, LP24, LP30, LP35 and LP51 of the Kirklees Local Plan, and accord with Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework.

NOTE: Please be advised that if land stability is an issue, developers/landowners should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. This includes for the demolition of the building. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to

be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to 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.

NOTE: It is recommended that the development includes a bat brick at the top of the gable in the new build. Bat roost opportunities should also be sited away from artificial lighting and should not be located above windows.
www.bats.org.uk/publications

Plans and specifications schedule:-

Plan Type	Reference	Version		Date Received
Location plan, site plan and photographs	23-065-01			22 nd February 2024
Heritage and Design and Access Statement	Dated February 2024			22 nd February 2024
Structural Inspection Report	MDL-9730			6 th March 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.

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format however it was noted that the Structural Report referred to within the Heritage and Design and Access Statement had not been submitted with the application. Officer's requested this information and the Structural Report was received on 6th March 2024.

Report Dated: 10th April 2024

Coal – none