

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:	2024/62/91446/W
Site Address:	20, Holmfirth Road, Meltham, Holmfirth, HD9 4ES
Description:	Change of use from commercial beauty salon to one dwelling (Listed Building 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.

John Holmes

AUTHORISED OFFICER

Date: 24th July 2024

Officer Report

Site Description

2024/91446 – 20, Holmfirth Road, Meltham, Holmfirth, HD9 4ES

No.20 is a two-storey mid terrace faced in stone with slates upon the roof. The site benefits from a front yard area, however hosts no off-road parking provision. The terrace row consists of nos.16 – 22. No.20 and no.18 are Listed Buildings, and are located within the Meltham Conservation Area. As existing, no. 18 are in residential use, with nos. 16 and 22 being in commercial use; those buildings are within Meltham District Centre.

Description of Proposal

Change of use from commercial beauty salon (Class E(c)(iii) '*Other appropriate services in a commercial, business or service locality*') to one dwelling. It is noted that the application states that the last use was a 'wine shop' which would still remain within Class E under the subcategory (a) '*Display or retail sale of goods, other than hot food*'. No external or internal alterations to the Building are proposed. One commercial sign is to be removed.

History of negotiations/amendments received

None

Relevant Planning History

2015/92027	Change of use of dwelling to beauty salon (Listed Building within a Conservation Area). <i>Conditional Full Permission.</i>
------------	--

Representations

This application was publicised by neighbour notification letters with a final expiry date of 07/04/2024. The nature of the scheme, to have a formerly residential building which had a change of use to commercial, seeking to reinstate its residential use without any additional visual impacts proposed was not considered to additionally affect the setting of the Listed Building or the character or appearance of the Conservation Area and therefore did not require being advertised by site notice or press notice in this case.

No representations have been received.

Consultation Responses

- Conservation & Design – No Objections
- Meltham Town 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).

The site is a part of a pair of Grade II Listed Buildings, (Historic England Listing ref: 1313664) in Meltham Conservation Area on the Kirklees Local Plan. The following is therefore considered relevant in this case:

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 15 – Residential use in town centres
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity & Geodiversity
- LP 35 – Historic Environment

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- Housebuilders Design Guide SPD

Legislation

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

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
- 2) Impact on visual amenity and heritage amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology
- 6) Representations
- 7) 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”*.

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 Meltham 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 Housing Supply

The 2024 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. 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 Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.'

Policy generally seeks to support residential development upon unallocated sites of which this site is unallocated for development.

Policy LP7 seeks to have a desired target density of dwellings per hectare and to have dwellings in keeping with the character of the area and the design of the scheme. Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

The application site relates to a former residential building, previously converted into a commercial use. The proposal would re-establish a residential use and its previous density re-established which is considered to be in keeping with the original character of the area and design of the terraced row. It would be with Meltham District Centre and close to frequent public transport links and so would be considered to be in a very sustainable location.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

1.3 Residential use in town centres

LP15 of the Kirklees Local Plan supports residential uses within defined town centres, in this case being Meltham District Centre, subject to requirements to protect the shopping centres' vibrancy and activity. LP13 encourages a mix of uses within Centres, as long as they conserve and enhance the local character, heritage and green spaces of the area. Paragraph 90f) of the NPPF recognises *"that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites."*

In this instance, the application site is not within an identified primary shopping area nor is identified as a shopping frontage on Council records. As such, the following impacts within LP15b), d)-f) and h) remains to be assessed under visual amenity, residential amenity and highways.

It is noted that the provision of affordable housing as set out in LP15g) is not relevant as the application relates to one 'new' dwelling unit and as such not subject to affordable housing requirements.

It is considered that the change of use is acceptable having regard to policies LP13 & LP15 of the Local Plan as it would reinstate a previous residential use within Meltham District and, to a historic Listed Building, would have the positive effect of conserving the local character, heritage and green spaces of the area.

2 – Impact on visual amenity / Conservation Area / Listed Building:

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to

the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF. 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 they are appropriately 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.

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'.

Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

The Conservation & Design Officer was formally consulted and supports the scheme. It is noted that a small wine shop advertisement sign within the front amenity area was removed as part of the scheme improving the visual amenity of the site. Otherwise, the building is left intact with no alterations proposed to the Building inside and out, and outwardly appears residential.

As such, Officers are satisfied that the proposal would have a neutral visual impact to the setting of the Listed Building, Meltham Conservation Area and would comply with LP15b), 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 of Policy LP24 of the Kirklees Local Plan states that proposals should:

“provide a high standard of amenity for future and neighbouring occupiers” and “...maintain appropriate distances between buildings”

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. Principle 6 of the Housebuilders Design Guide SPD sets out expected minimum distances between properties for residential amenity.

There are no additional openings proposed other than what currently exists. There are existing views to the east, west and south. The area is a built-up part of the town centre with established distances between the buildings. Although the Building will now be inhabited, as the outlook is existing and other opposite properties are commercial, the relationship is acceptable.

The change of use to residential would lead to a reduced level of customers/deliveries to the site, compared to the existing Class E use, with an associated improvement to residents in terms of noise reduction, nuisance and litter. No additional impacts on air quality are expected from the proposed residential use.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: “All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

The application form states that the expected occupancy is a 2-bedroom property, the site appears to provide sufficient gross internal area space, and a proportionate rear garden space, for the level of accommodation desired for good living standards.

The proposal would therefore be in general conformance with LP15d, LP24b of the Kirklees Local Plan, the Principles relating to residential amenity of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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.

It is noted that the site would not provide any off-street parking spaces, as in keeping with its historic layout. Officers consider that requiring parking spaces to the front amenity space to meet the typically expected Highways Design Guide SPD requirement of 2 parking spaces to a 2 bedroom property would demonstrably harm the setting of the Listed Buildings and Meltham Conservation Area and this would not be supported. As such, the ability of the site to provide off street parking is very limited by the surrounding historic grain of development and the site constraints.

It is acknowledged that a Class E use could encourage a higher level of vehicular visits due to deliveries and pick ups compared to a residential use and the residential use therefore proposed would reduce the expected level of traffic and associated noise to the locality.

In addition, while cycle storage have not been set out however the proposal has a private garden with external access to the rear; as such it would be overly onerous to insist on formal cycle storage areas for the purposes of Principle 12. Bins storage and presentation points have not been set out however they are expected to remain as per existing arrangements for the row of properties.

In this instance, Officers consider that the proposed change of use to residential, being sited within a very sustainable location and with a lower intensity of commercial traffic generated, would not cause additional harm to highway safety. This would generally comply with Policies LP15e, f, h and LP21 and 22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

5 – Other matters:

Climate Change

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. 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.

When determining planning applications, the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are minimal with no external or internal alterations proposed 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.

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: 2024/91446

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP15, LP21, LP22, LP24, LP30 and LP35 of the Kirklees Local Plan, the Principles within the Housebuilders Design Guide SPD, and Policies within Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. 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
Application form	-	-	30/05/2024
Location Plan.	-	-	29/05/2024
Statement	-	-	22/05/2024

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

Report Dated: 15/07/2024

