

**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:	2024/62/92858/E
Site Address:	National Coal Mining Museum, New Road, Overton, WF4 4RH
Description:	Installation of electrical switch room and upgrading of pumping lodge at Hope shaft site (within a Conservation Area)
Recommending Officer:	Edward Cheseldine

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 January 2025

Officer Report

2024/92858 - National Coal Mining Museum, New Road, Overton, WF4 4RH

Site Description

The National Coal Mining Museum is a large site off New Road, Overton. The site has an industrial past and has been converted into a public, open air museum and conference centre. The site includes buildings and monuments from its time as a coal mine, certain elements of the site has been imported within the grounds of the museum from other industrial sites.

The site is located within designated Green Belt and within the Hope Pit Conservation Area on the Kirklees Local Plan Proposals Map.

The site is accessed from Wakefield District, although the site crosses both into Kirklees and Wakefield, with the development proposals the subject of this application falling with Kirklees.

Proposal Description

The application relates to two elements of the site, infrastructure for a water tank towards the centre of the site and the substation towards the south-east aspect of the site. The applicant is seeking planning permission for a replacement pump room for the water tank and a replacement switch room for the substation.

The pump room will be 3.70m(l) x 1.80m(w) x 2.00m(h). It will have a flat roof. The materials will be red brick for the external walls and a white wood roof.

It will replace a pump room which is 3.70m(l) x 1.80m(w) x 2.00m(h). The existing building is form of a metal material.

The switch room will be 12.00m(l) x ~5.00m(w), with an eaves height of 3.00m and a roof height of 3.60m. It will have a curved roof. External walls will be formed with a red brick material and a steel roof.

It will replace the 'braithwaite tank' which is ~6.60m(l) x 6.10m(w) x 4.10(h), it is formed of a metallic material.

Amendments/Negotiations

The location of the switch room was altered at the request of the applicant.

Relevant Planning History

None relevant to this application.

Public Representations

A site notice was displayed to advertise the application, which expired on the 12 December 2024.

The application was advertised by a press advertisement, which expired on 20 December 2024.

As a result of the publicity, there were no representations.

Consultation Responses

KC Conservation & Design – No objection, subject to condition relating materials.

KC Environmental Health – No objection, subject to condition related to unexpected land contamination.

Policy & Legislation

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 located within designated Green Belt and within the Hope Pit Conservation Area on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP10 – Supporting the rural economy
- LP 21 – Parking
- LP 22 – Highway safety
- LP 24 – Design
- LP 27 – Flood Risk
- LP 30 – Biodiversity
- LP 35 – Historic environment
- LP 52 – Contaminated and unstable land
- LP 54 – Buildings for agriculture and forestry
- LP 57 – Extensions, alterations and replacement buildings (Green Belt)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and 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 6 – Building a strong and safe economy
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- 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

Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

Assessment

- 1) Principle of Development
 - a) Sustainable Development
 - b) Green Belt
 - c) Historic Environment
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 6) Conclusion

Principle of development:

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. 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 assessed.

The site is located within designated Green Belt and within the Hope Pit Conservation Area on the Kirklees Local Plan Proposals Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

Green Belt

Chapter 13 of the NPPF requires local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Paragraph 154 of which regards expectations, criterion d), *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*

Policy LP57 of the Kirklees Local Plan states, proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

- b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and
- d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

In this case both buildings are relative in terms of footprint and volume to the buildings they are replacing. Whilst the site is in the Green Belt, its location has a part industrial, part open character due to its former use as a working pit. The development will not introduce further elements of hard standing material or other urban elements to the site. The appearance of both buildings is intrinsically linked to the industrial style of the site.

The replacement buildings are therefore concluded to be acceptable in terms of Green Belt policy, complying with paragraph 154 of the NPPF and criterion d) of LP57 of the Kirklees Local Plan.

Historic Environment

The buildings are located within the Hope Pit Conservation Area, the site of which holds a shared historic development.

Paragraph 212 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 214 goes on to state that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The buildings present on site have a group identity which is linked to the museum and coal mining legacy of the site. None of the removed buildings are ‘original, they are part of the infrastructure of the wider site. The replacement buildings are considerate to their settings, therefore there will be no harm to the settings of the conservation area from the proposal.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The existing pump room is formed of a metal container, which is in a state of disrepair. The structure does not appear as a permanent structure. Its replacement will be formed of appropriate materials. The removal of the ‘braithwaite tank’ will open up the north elevation of the Hope Sub Station which is an original building, it is a significant asset in terms of the character of the conservation area. The new building is located away from the main heritage assets of the group setting. Given the pump station will replace a dilapidated building, and the north elevation of the Hope Sub Station will be revealed, the new buildings will minorly enhance the setting of the conservation area.

In order to ensure the suitable appearance of the buildings within a conservation area, it shall be conditioned that material samples of the external walls are submitted to the Local Planning Authority in writing to be approved.

It is therefore concluded that the proposed development accords with the requirements of policies LP1, LP2, LP35 & LP57 of the Kirklees Local Plan, policies within Chapters 2, 12, 13 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the principle of development is acceptable.

Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states, 'Proposals should promote good design by ensuring the details of all development respects and enhances the character of the landscape and heritage assets.

Policy LP35 of the Kirklees Local Plan states, 'proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The design of the buildings is sympathetic to the industrial nature of the site. The buildings, whilst being functional, will not appear discordant amongst the other buildings and monuments within the open museum. They are appropriately located given their association with the function of the mine shafts and water tanks. Given the pump station will replace a dilapidated building, and the north elevation of the Hope Sub Station will be revealed, the new buildings will minorly enhance the setting of the area.

The new buildings therefore accord with Policy LP24 & LP35 of the Kirklees Local Plan.

Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, development minimising impact on residential amenity of future and neighbouring occupiers.

The nearest residential buildings is located ~145.00m from the switch room. Both buildings are non-habitable spaces. There will be no impact to residential amenity from the proposal.

Impact on Highway Safety

Policy LP21 & LP22 relate to parking and highway safety. 'Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

The site has two large car park and overflow space. It is not considered that the placement of these two, buildings which are integral to the function of the mines will cause a material increase in visitors to the site, therefore there will be no impact to highway safety.

Environmental Matters

Ecology & Biodiversity

Paragraphs 187, 193, 194 and 195 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.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The applicant has indicated a biodiversity net gain uplift is not required within the application form. The proposed switch room will be placed on hardstanding material, the pump room will be placed in the position of the existing pump station, therefore the proposal falls under the *Di Minimis* exemption category, as listed within the Government Biodiversity Net Gain Advisory Note, therefore no uplift is required.

Trees

LP33 relates to the protection of trees.

All trees within a conservation area are protected under current legislation. There are trees to the north of the south and west of the switch room. These trees situated on a mound above the building. The switch room will be placed on a concrete slab with minimal ground work. It is not considered there will be an impact to the roots of the trees, however a cautionary condition will be attached if roots are uncovered during the works.

Coal Mining Risk

LP53 and paragraph 196 & 197 of the NPPF regard contaminated and unstable land.

The site falls on an area of high risk due to historic coal mining in the area. The Coal Authority should be consulted on coal mining risks unless the application is exempt, within which, there are exemptions for developments where building and/or ground works are minimal. The switch room will be laid on a concrete slab with minimal groundworks, therefore the application is exempt.

Contaminated Land

LP53 and paragraphs 196 & 197 of the NPPF regard contaminated and unstable land.

KC Environmental Health reviewed the proposal, they considered there will not be any Environmental Health impact with the development. However, they requested a cautionary condition that if ground contamination is encountered during the groundworks, the council should be notified with a remediation strategy to be confirmed by the LPA.

Flood Risk

LP27 regards flood safety. Although the application site does not rest within a flood zone, there is a risk of the mine flooding from underground springs. Considering the proposal relates to the replacement of the existing pump room, there are public benefits to proposal to ensure the effective removal of water from the mine considering the site is a national museum.

Conclusion

The application for replacement buildings at the National Coal Mining Museum has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the impact to the Green Belt, historic environment and other material considerations the application is acceptable.

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.

As set out above, 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

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 ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Prior to the erection of the development hereby approved above, detail samples of the external brick materials samples shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the building shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of the historic environment and visual amenity and to comply with Policy LP24 & LP35 of the Kirklees Local Plan and Chapter 12 & 16 of the National Planning Policy Framework.

4. If during the construction phase of the development, roots that are over 1cm in diameter are uncovered then a AIA shall be submitted in writing and approved by the Local Planning Authority. Roots that are less than 1cm in diameter may be pruned by secateurs. All works to trees shall be overseen by a qualified arboriculturist at all times.

Reason: Required to protect the viability of the protected & mature trees within close proximity to the application site and to accord with Policy LP33 & LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats 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: The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and

former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.

NOTE: In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan / Proposed block plans	NCM/PP6/05a	-	07 October 2024
Existing grouped plans (hope sub station)	NCMME_PP6_01	-	07 October 2024
Existing grouped plans (pump house)	NCMME_PP6_03	-	07 October 2024
Proposed group plans (hope sub station)	NCMME_PP6_02	RevA	14 January 2025

Proposed group plans (pump house)	NCMME_PP6_04		07 October 2024
Hope shaft flood risk note	-	-	07 October 2024
Design and access / Heritage statement	-	-	07 October 2024
Climate change statement	-	-	07 October 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 Planning Authority has, 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 location of the switch room was altered at the request of the applicant.

