

**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>2026/62/90328/W</b>
Site Address:	118, Underbank Old Road, Holmfirth, HD9 1AS
Description:	Installation of replacement windows (within a Conservation Area)
Recommending Officer:	Joshua Merriman

**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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date:** 1-Jun-26

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## **Officer Report – 2026/90328**

### **Site Description**

The site is 118, Underbank Old Road, Holmfirth, HD9 1AS. It is a four-storey detached property composed of apartments, faced in stone, with a pitched tiled roof, and timber windows and doors.

The site lies in a varied street scene, surrounded by properties of differing sizes, scales, characters, and appearances, with uses ranging from residential to commercial. Furthermore, the application property benefits from a hard-standing parking area South.

### **Description of Proposal**

#### *The Scheme*

The applicant is seeking permission for installation of replacement windows (within a Conservation Area).

This includes the replacement of existing timber windows with new timber windows.

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application:

- Climate Change Statement
- Conservation/Heritage Assessment

### **History of Negotiations / Amendments Received**

Officers requested amendments to the replacement windows, deeming the initially proposed uPVC windows as unacceptable, receiving amended plans which detailed the installation of timber windows to match those existing in the building.

The following amended plans were received during the application period:

- 15/05/2026 – Proposed Elevation A Rev A – 2100
- 15/05/2026 – Proposed Elevation B Rev A – 2101
- 15/05/2026 – Proposed Elevation C Rev A – 2102
- 15/05/2026 – Proposed Elevation D Rev A – 2103
- 15/05/2026 – Design and Access Statement Rev A

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

95/91308 - CHANGE OF USE TO PERFORMING ARTS COMPANY – Conditional Full Permission.

96/90526 - CHANGE OF USE OF FORMER MILL TO GROUND FLOOR CAR PARK, FIRST FLOOR BUSINESS CENTRE AND HEALTH AND FITNESS CENTRE AT 2ND AND 3RD FLOORS, FORMATION OF EXTERNAL STEPS (WITHIN CONSERVATION AREA) – Conditional Full Permission.

99/90644 - CONSERVATION AREA CONSENT FOR DEMOLITION OF CHIMNEY – Conservation Area Consent Refused.

- The proposals are considered contrary to the provisions of Unitary Development Plan Policy BE7 in that the chimney is considered to make a positive contribution to the character and appearance of the Underbank Conservation Area and no evidence has been provided to demonstrate that the building cannot be beneficially used in the future or that it is structurally unsound.
- The proposals are considered contrary to the provisions of Unitary Development Plan Policy BE9. Underbank Mill is a Class II archaeological site and the proposed demolition of the chimney would have an adverse effect on the archaeological and architectural integrity of this building group and the conservation area as a whole.

99/92844 - ERECTION OF EXTENSION AND CONVERSION OF MILL TO FORM 12 NO. SELF CONTAINED FLATS (WITHIN A CONSERVATION AREA) – Conditional Full Permission.

2001/92846 - CONVERSION OF GROUND FLOOR OF MILL TO 3 NO. SC FLATS AND ASSOCIATED PARKING (WITHIN A CONSERVATION AREA) – Conditional Full Permission.

2016/93997 - Work to TPO(s) 07/80 within a conservation area – Part-Granted/Part-Refused.

2017/91713 - Work to TPO(s) 07/80 within a conservation area – Granted.

## **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised as affecting the setting of a conservation area on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 02/04/2026.

*Letters of Comment*

- Holme Valley Parish Council have been consulted regarding the application but have no comments.

## **Consultation Responses**

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Conservation & Design (Informal) – No objections to the amended plans showing the use of timber windows.

## **Allocation and Policy**

The site is unallocated within the Underbank Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within a Strategic Green Infrastructure Network Area, as well as on potentially contaminated land, and within a bat alert layer.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

### *Kirklees Local Plan*

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP31 Strategic Green Infrastructure Network
- LP35 Historic Environment

### *Holme Valley Neighbourhood Development Plan*

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.
- Policy 3 – Conserving and Enhancing Heritage Assets
- Policy 12 – Promoting Sustainability.
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site lies within Landscape Character Area 4 (River Holme Settled Valley Floor) of the Holme Valley Neighbourhood Development Plan, they key characteristics of which are listed below:

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

### *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, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment
- Chapter16 Conserving and enhancing the historic environment

### *Supplementary Planning Documents / guidance*

Kirklees Highway Design Guide (adopted November 2019)  
Holme Valley Neighbourhood Development Plan – 2021

The Biodiversity Net Gain Technical Advice Note

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.  
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

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.

## **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

### **1 – Principle of Development**

Policy LP1 of the KLP 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 NPPF.

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.

The site is located within the Underbank Conservation Area on the Kirklees Local Plan. 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 KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

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 or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 207 of the NPPF states that:

*“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”*

Paragraph 208 of the NPPF goes on to state that:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

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.”*

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

In terms of making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and will preserve the character of the host and Underbank Conservation Area, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

## **2 – Impact on character and appearance of the area (including impact upon historic environment):**

### *Visual Amenity and heritage impact*

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. 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.

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’*.

### *Historic Environment*

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority 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 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“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.”*

Following consultation with KC Conservation & Design, no concerns were raised regarding the replacement windows. Given the prominence of the building within the Underbank Conservation Area, retaining timber across all elevations would ensure the historic character and appearance of the building contributes positively to the surrounding area. While a small number of existing uPVC windows are noted, these are limited in extent and do not result in the same level of visual harm as the replacement of uPVC windows initially did.

The use of timber windows ensures that the development maintains a positive impact on both the host building and the wider Conservation Area and therefore does not require any public benefit to justify any harm (set out in paragraph 215 of the NPPF).

The proposed development is therefore considered to comply with Policies LP1, LP2, LP24(a), and LP35 of the Kirklees Local Plan, or Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

### **3. Impact on Residential Amenity**

Sections B and C of LP24 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 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposed changes to 118 Underbank Old Road do not increase the scale of the building, and are not considered to have any significant impacts with regard to impact on light, outlook, overbearing, or overshadowing, and are therefore acceptable with regard to residential amenity.

It is considered that in terms of residential amenity the proposed would comply with Sections B and C of Policy LP24 of the Kirklees Local Plan, and Paragraph 135 of the National Planning Policy Framework.

### **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 seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The Council’s adopted Highway Design Guide requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. The arrangements will remain unchanged.

As the proposal is for replacement windows there will be no impact on the operation of the highway or parking areas.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council’s Street Design Guide and Chapter 9 of the National Planning Policy Framework.

### **5. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

## **6. Other Matters**

### *Impact upon Ecology*

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. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

## **7. Representations**

No representations have been received.

## **8. 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, the

proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation  
PERMISSION**

**CONDITIONAL FULL**

**Decision Authorisation: Delegated Powers**

**Application Number:** 2026/90328

**Officer Recommendation:** Conditional Full Permission

**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 (as amended).

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, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	CPS 25 156 1000	-	05/02/2026
Existing West Elevation	CPS 25 156 2000	-	05/02/2026
Existing East Elevation	CPS 25 156 2002	-	05/02/2026
Existing North Elevation	CPS 25 156 2002	-	05/02/2026
Existing South Elevation	CPS 25 156 2003	-	05/02/2026
Proposed Elevation A	CPS 25 156 2100	A	15/05/2026
Proposed Elevation B	CPS 25 156 2101	A	15/05/2026
Proposed Elevation C	CPS 25 156 2102	A	15/05/2026
Proposed Elevation D	CPS 25 156 2103	A	15/05/2026
Application Forms	-	-	05/02/2026
Climate Change Statement	-	-	05/02/2026
Design and Access Statement	-	A	15/05/2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Officers considered it necessary to seek the change in materials for the windows as uPVC windows were not considered to preserve the character of the property or the historic fabric of the surrounding Conservation Area. Amended plans were received and considered acceptable.

**Report Dated:**

15/05/2026