

**CALDERDALE METROPOLITAN BOROUGH COUNCIL****PLANNING COMMITTEE****WARDS AFFECTED: MORE THAN THREE**

**Date of meeting: 30 January 2024**

**Chief Officer: Director of Regeneration and Strategy.**

**1. SUBJECT OF REPORT**

APPLICATIONS FOR DETERMINATION RE PLANNING PERMISSION, LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT, LOCAL AUTHORITY APPLICATIONS, CROWN APPLICATION OR CONSENT TO FELL PROTECTED TREES

- (i) Executive Summary
- (ii) Individual Applications

**2. INTRODUCTION**

- 2.1** The attached report contains two sections. The first section contains a summarised list of all applications to be considered at the Committee and the time when the application will be heard. Applications for Committee consideration have been identified in accordance with Council Standing Orders and delegations.
- 2.2** The second section comprises individual detailed reports relative to the applications to be considered.
- 2.3** These are set out in a standard format including the details of the application and relevant planning site history, representations/comments received arising from publicity and consultations, the officers assessment and recommendation, with suggested conditions or reasons for refusal, as appropriate.
- 2.4** Where the Committee considers that a decision contrary to the recommendation of the Director of Regeneration and Strategy may be appropriate, then consideration of the application may be deferred for further information.
- 2.5** Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Director of Regeneration and Strategy.

### **3. IMPLICATIONS ARISING FROM REPORT**

#### **3.1 Planning Policies**

These are set out separately in each individual application report.

#### **3.2 Sustainability**

Effective planning control uses the basic principle of sustainable development by ensuring that development meets the needs of the present without compromising the ability of future generations to meet their own needs. Through the development control system, the Council can enable environmental damage to be minimised and ensure that resources are used efficiently and waste minimised. Particular sustainability issues will be highlighted in individual reports where appropriate.

#### **3.3 Equal Opportunities**

All applications are considered on their merits having regard to Government guidance, the policies of the Development plan and other factors relevant to planning. This will be done using the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

In the vast majority of cases, planning permission is given for land, not to an individual, and the personal circumstances of the applicant are seldom relevant.

However, the Council has to consider the needs of people with disabilities and their needs are a material planning consideration. Reference will be made to any such issues in the individual application reports, where appropriate.

The Council also seeks to apply good practice guidance published in respect of Race and Planning issues.

#### **3.4 Finance**

A refusal of planning permission can have financial implications for the Council where a subsequent appeal is lodged by the applicant in respect of the decision or if a case of alleged maladministration is referred to the Local Government Ombudsman or a Judicial Review is sought through the Courts.

In all cases indirect staff costs will be incurred in processing any such forms of 'appeal'.

There is no existing budget to cover any direct costs should any such 'appeal' result in 'costs' being awarded against the Council. These would have to be found by way of compensatory savings from elsewhere in the Planning Services budget.

Reference: 6/00/00/CM

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

**FOR FURTHER INFORMATION ON THIS REPORT CONTACT:**

Richard Seaman  
Corporate Lead  
For Planning Services

TELEPHONE :- 01422 392241

**DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:**

1. Planning Application File (numbered as the application show in the report)
2. National Planning Policy and Guidance
3. Calderdale Development Plan(including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

**DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:**

[www.calderdale.gov.uk](http://www.calderdale.gov.uk).

**You can access the Council's website at the Council's Customer First offices and Council Libraries.**

**List of Applications at Committee 30 January 2024**

<b>Time &amp; No.</b>	<b>App No.</b>	<b>Location</b>	<b>Proposal</b>	<b>Ward</b>	<b>Page No.</b>
1400 - 01	23/00403/HSE	28 Norton Close Halifax Calderdale HX2 7RD	Part two storey and part single storey side and rear extension and addition of a rear dormer window	Warley	5 - 12
1400 - 02	23/00652/FUL	Grove House 9A Wade House Road Shelf Halifax Calderdale	Demolition of existing property and construction of new dwelling (Revised Scheme to 23/00126/FUL)	Northowram And Shelf	13 - 23
1430	23/00995/LBC	Higher Stoodley Farm Lee Bottom Road Todmorden Calderdale OL14 6HD	Boiler installation on the first floor, this would require making a hole for the flue.	Calder	24 - 29

Time Not Before: 1400 - 01

Application No: **23/00403/HSE**

Ward: **Warley**

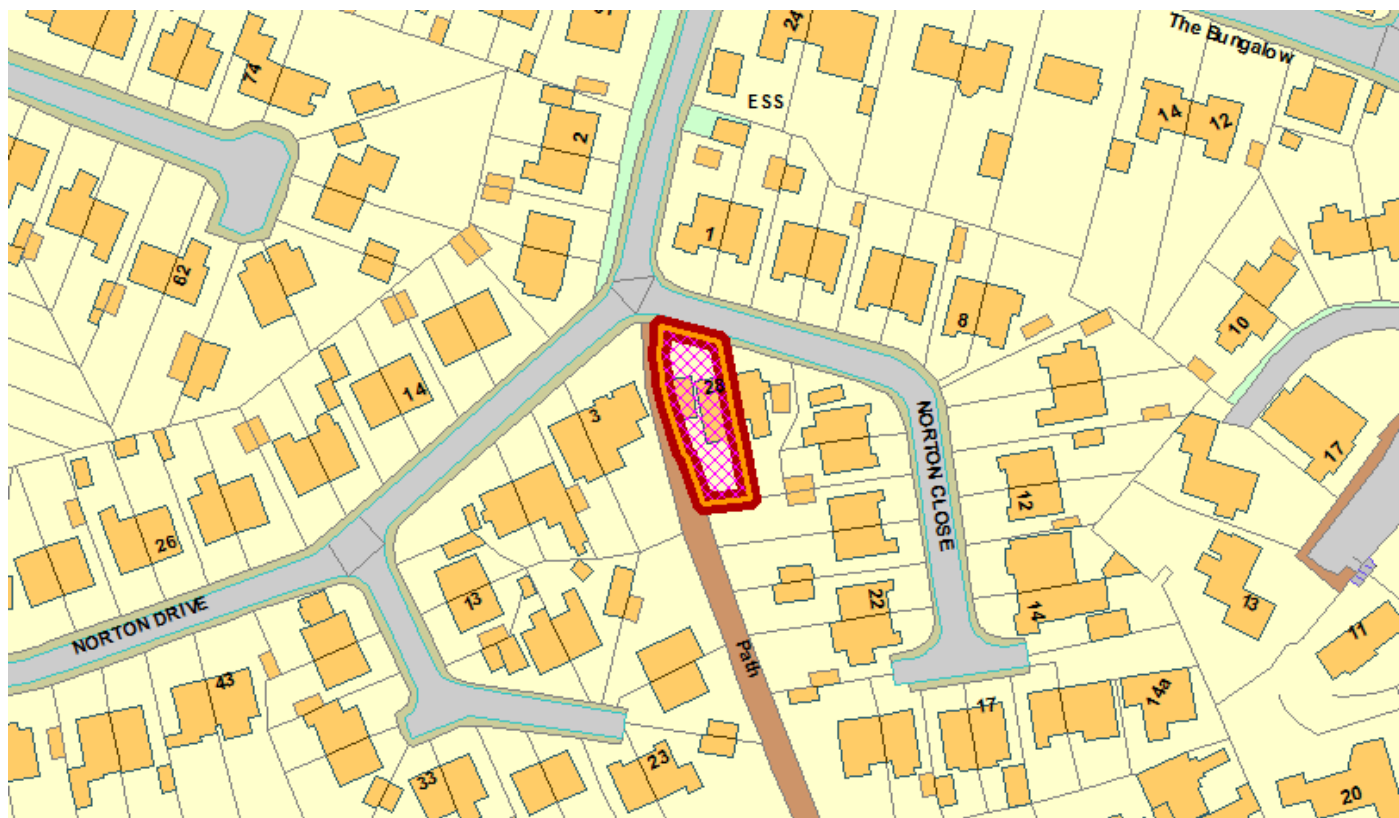
Area Team: **North Team**

Proposal:

**Part two storey and part single storey side and rear extension and addition of a rear dormer window**

Location:

**28 Norton Close Halifax Calderdale HX2 7RD**



Applicant:

**Mr I Hussain**

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Highways Section

**This application has been brought to Planning Committee due to the sensitivity of the proposal, in line with the Council's Scheme of Delegation.**

### **Description of Site and Proposal**

The proposal is seeking planning permission to extend the dwelling. The original proposed plans included the extension of the dwelling (both single storey and two storey) and the addition of front dormer windows. The existing garage would be removed to accommodate the proposed extension works. However, amended plans were submitted on 16 October 2023 which reduced the scale of the proposal.

The amended proposal seeks to extend the dwelling but without the inclusion of the front dormer windows. The proposal is to include habitable living on the first floor with the addition of a further bedroom and bathroom. The existing dwelling is constructed in stone with white UPVC windows. The proposed extensions will be constructed using similar materials to match the existing dwelling in size, shape, and texture. The existing area in front of the dwelling is currently used as a garden and a driveway. The proposed use for this area of the site is solely for the parking of two cars. It is proposed there is space for one car on the existing driveway whilst the front garden will be altered to accommodate two further cars. The proposed single storey extension at the rear will be constructed with a flat roof with two roof lights.

The application site is located on Norton Close within Halifax. The existing dwelling is visible from the public highways of Norton Close and Norton Drive. The design of the existing dwelling is similar to the neighbouring dwellings on the street. The dwellings on Norton Close follow the principal design of 1960's style semi-detached bungalows. The application site does not have any Local Plan Designation. To the west of the dwelling lies a public footpath to leading to Newlands Road. Fronting Norton Close there is a front garden and driveway providing off-street parking for the dwelling.

### **Relevant Planning History**

N/A

### **Key Policy Context:**

<b>Local Designations / Allocations</b>	None
<b>Local Plan policies</b>	<b>CC1</b> Climate Change <b>BT1</b> High Quality Inclusive Design <b>BT2</b> Privacy, Daylighting and Amenity Space <b>IM5</b> Ensuring Development Supports Sustainable Travel <b>GN3</b> Natural Environment
<b>National Planning Policy Framework</b>	Chapter 9 – Promoting sustainable transport Chapter 12 – Achieving well-designed and beautiful places Chapter 15 – Conserving and enhancing the natural environment

## **Publicity/ Representations**

The application has been publicised by neighbour notification letters during 2 rounds of public consultation, following the submission of amended plans.

A total of 16 neighbour comments were received across both rounds of public consultation. All of these were made in objection.

### **Summary of points raised:**

- Front facing dormers would not reflect the character of the street [removed from scheme]
- Plans would not accommodate 3 parked cars; Norton Close does not have capacity for more on-road parking, it would cause a hazard to pedestrians
- More than 3 cars would likely be result of such large dwelling
- Foul and surface water drainage are already at capacity
- Plans are not in keeping; out of character with other properties
- Hard landscaping will put pressure on drainage system
- Extensions and dormer windows will be overbearing
- Overbearing and overshadowing to neighbours

Other points were raised during the consultation periods which are not considered to be material planning considerations. These are:

- Detrimentially affect house values
- New extension wall should not be on the boundary
- Would be in breach of covenants

## **Consultees**

Highways Section – No objections subject to condition.

## **Parish / Town Council Comments**

The site lies in an unparished area.

## **Main Issues**

Taking into consideration the site allocations and constraints, the main issues for consideration as part of the appraisal of the application are:

- Principle of Development
- Climate Change
- Design and Visual Amenity
- Residential Amenity
- Car Parking

## **Assessment of Proposal**

### **Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The NPPF was most latterly revised on 19 December 2023 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 225 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the Development Plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 22 March 2023. Its policies are aligned with those in the NPPF and carry full weight.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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 (e.g., land designated as Green Belt or designated heritage assets) 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.

This is reflected in Policy SD1 of the adopted Calderdale Local Plan.

The application seeks permission for a part two storey and part single storey side and rear extension and addition of a rear dormer window to an existing house in a residential area. Subject to other considerations assessed below, the proposal is acceptable in principle.

### **Climate Change**

The Council declared a Climate Change Emergency in 2019. In 2022, the Council published the Calderdale Climate Action Plan 2022-25. This sets out the Council's stated aims and targets to achieve net zero by 2038, with significant progress by 2030.

Policy CC1 requires that proposals should aim to be net zero emitters of greenhouse gases such as carbon dioxide and must demonstrate appropriate mitigation and adaption measures to address the predicted impacts of climate change.

NPPF (Chapter 14) Paragraph 159 requires that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and which can help to reduce greenhouse gas emissions, such as through its location, orientation and design.



No information has been submitted in support of this application regarding the energy efficiency of the proposal. However, Officers note that the proposal would be required to comply with Part L (Conservation of fuel and power) of The Buildings Regulations 2010 (as amended) in terms of energy efficiency and minimising the use of natural resources.

### **Design and Visual Amenity**

Policy BT1 requires that new developments will ensure high quality, inclusive design and demonstrate a holistic approach to design quality. Proposals should demonstrate their consideration of the aesthetics, function and sustainability over the lifetime of the development.

NPPF (Chapter 12) Paragraph 135 requires that proposals should function well and add to the overall quality of the area, be visually attractive, are sympathetic to local character, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain appropriate development, and create places that are safe, inclusive and accessible.

Paragraph 139 of the National Planning Policy Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies.

The proposed side extension would, in part, replace the existing single storey garage and would create additional office, bedroom and bathroom at ground floor, and an additional first floor bedroom with the insertion of a rear dormer. The rear extension would comprise of an enlarged kitchen space and the existing conservatory would have a change in fenestration.

The proposal seeks permission to construct the side and rear extension using brickwork to match the existing dwelling. The use of similar materials maintains the quality of design in the existing environment. The proposed extensions would increase the width of the existing dwelling by c. 4.2 metres. It has been confirmed that the proposed works are set within the red line boundary of the proposal site.

The proposal originally included front dormers which would have detrimentally impacted on the character of the street scene. The amended scheme removes this element, and the design of the proposal reflects the existing bungalow and conforms with the established character of the surrounding dwellings and wider street scene. At the rear of the dwelling, two dormer windows already exist. The proposed additional dormer window at the rear would be in-keeping with the existing dormers and would not detrimentally impact on the design of the host dwelling or wider street scene.

The proposal would also include the provision of an integrated bird nesting box on its western elevation to provide a satisfactory level of on-site species enhancement, in accordance with Policy GN3.

It is considered that the proposed alterations, as amended, are in keeping with the existing streetscape. It is considered that the design and appearance of the proposed scheme would be of a scale and proportion which would be acceptable to the host dwelling. The proposal is therefore considered to be in accordance with CLP Policies BT1 and GN3, and Chapters 12 and 15 of the NPPF.

## **Residential Amenity**

Policy BT2 of Calderdale Local Plan state, that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A of the former and Annex 2 of the latter set out guidelines to help assess whether such impacts will arise. It is considered that the proposal will satisfy the requirements of these for the following reasons.

NPPF (Chapter 12) Paragraph 135(f) requires that proposals create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposed extensions would increase both the ground floor footprint and the first-floor footprint of the existing property. The external alterations include the use of the front garden for parking 2 cars. Although the proposal seeks to extend at the side and rear of the property, it is considered there is still an adequate level of amenity space for the proposed dwelling. To the rear of the dwelling houses a patio area and a lawned area on a gradient. The rear outdoor garden space has not been compromised and there is still amenity space for the existing and prospective residents.

Objections have been raised in relation to the proposed extension overshadowing the neighbouring dwellings. The proposed extension works would be on the opposite side to the neighbouring dwelling and the side extension will be situated next to the public pathway. There is no change to the existing rear dormer. The existing conservatory would be removed and replaced with an extension of a similar size. Given its location and size in relation to the existing conservatory, it is considered that the proposal would not contribute to overshadowing. It is further noted that the rear elevations of the host building and neighbouring dwelling are south facing and would continue to receive adequate levels of natural light throughout the day.

The proposal would provide a rear door and a window to the ground floor of rear elevation of the dwelling which would serve the kitchen. The conservatory would be replaced as part of the rear extension with a part solid wall and glazed bay window serving an open plan living area. There would be windows on the side elevation to an office area and non-habitable rooms. The creation of a new doorway and windows would be considered minimal and would not contribute to further overlooking. Due to the siting of the existing conservatory, there would be no increase in the impact on the residential amenities of neighbouring occupiers.

The footpath is walled off next to the application site. To the west side facing the footpath, there would be a distance of approximately 2.5 metres between the extension and footpath. There would be a distance of approximately 9 metres between the proposed extension and the neighbouring dwelling situated on Norton Drive. The neighbouring dwelling and footpath would not be detrimentally impacted by the proposed works.

The addition of the roof lights within the proposal would allow more natural light into the dwelling without causing overlooking to neighbouring residents. The privacy of existing and prospective residents would not be compromised with the design of the amended proposal.

Officers consider that there would not be a significant adverse impact on the residential amenities of future or neighbouring occupiers by way of loss of privacy, or by being overbearing or overshadowing. The proposal is therefore considered to be in accordance with Policy BT2 of the CLP and NPPF (Chapter 12) Paragraph 135(f).

## **Car Parking**

Policy IM5(III) requires that proposals should manage the travel demand generated through the appropriate application of parking provision not in excess of that demonstrated to meet the anticipated needs of the development.

The Council's car and cycle parking standards are set out in Annex 1 'Car & Bicycle Parking Standards' of the adopted Calderdale Local Plan. For Class Use C3 dwellings, 1 car parking space per dwelling should be provided, plus 1 space per dwelling where parking is available within the curtilage of the dwelling, otherwise 1 space per 2 dwellings (giving a total of 1.5 spaces per dwelling on development where communal parking is provided). For Class Use C3 dwellings, secure cycle parking facilities should be provided within the development.

NPPF (Chapter 9) Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal would provide 2 off-street car parking spaces for use by occupiers of the dwelling. The Highways Section have been consulted for this application due to the change in use for the parking and raise no objections, subject to a condition for the provision of the car parking spaces prior to use of the proposed extensions.

The proposed plans initially included the front garden area being utilised for parking which would have had adverse impacts due to the location of the dwelling. With the dwelling being prominent in location and by the entrance of close, additional cars could lead to the further implications of accessibility for existing and prospective residents. However, Highways Officers have deemed the development appropriate in parking and highways safety terms as they have identified that the off-street parking space will remain available for at least two cars. They also state that the front garden is able to be used as an additional parking area as shown in the proposed plans.

As such, the proposal is considered to be in accordance with Policy IM5 of the adopted Calderdale Local Plan Chapter 9 of the NPPF.

## **Drainage Issues**

There have been objections raised in relation to current drainage issues in the Norton Tower area. It is the understanding of Officers that the issues relate to misconnections between foul and surface water drainage systems in the area and not in relation to this particular property or any perceived increase in usage of the drainage system generally.

In any event, the addition of an extension would not be considered to cause any unacceptable drainage issues and the correct installation of foul and surface water in relation to the proposed extension would be required and controlled by Building Regulations.

## **CONCLUSION**

**The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to grant planning permission has been made because the development, including the recommended conditions, is in accordance with the policies and proposals in the Calderdale Local Plan and National Policy guidance set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.**

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

Date: 15 January 2024

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#### Further Information

Should you have any queries in respect of this application report, please contact in the first instance:

Karla Turner (Case Officer) [Karla.Turner@Calderdale.gov.uk](mailto:Karla.Turner@Calderdale.gov.uk) or Lauren Spensley (Lead Officer) [Lauren.spensley@calderdale.gov.uk](mailto:Lauren.spensley@calderdale.gov.uk)

#### **Conditions**

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. The development shall not be occupied until the off street parking facilities shown on the permitted plans for that dwelling have first been constructed and surfaced using permeable paved surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. These facilities shall thereafter be retained for this purpose for the occupiers of and visitors to the development.

#### **Reasons**

1. For the avoidance of doubt and to ensure that the development is built to an appropriate quality and standard of design, in accordance with Policy BT1 of the adopted Calderdale Local Plan and Chapter 12 of the National Planning Policy Framework.
  2. To ensure satisfactory provision of off-street car parking spaces in accordance with Policy IM5 of the adopted Calderdale Local Plan.
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Time Not Before: 1400 - 02

Application No: 23/00652/FUL

Ward: Northowram And Shelf

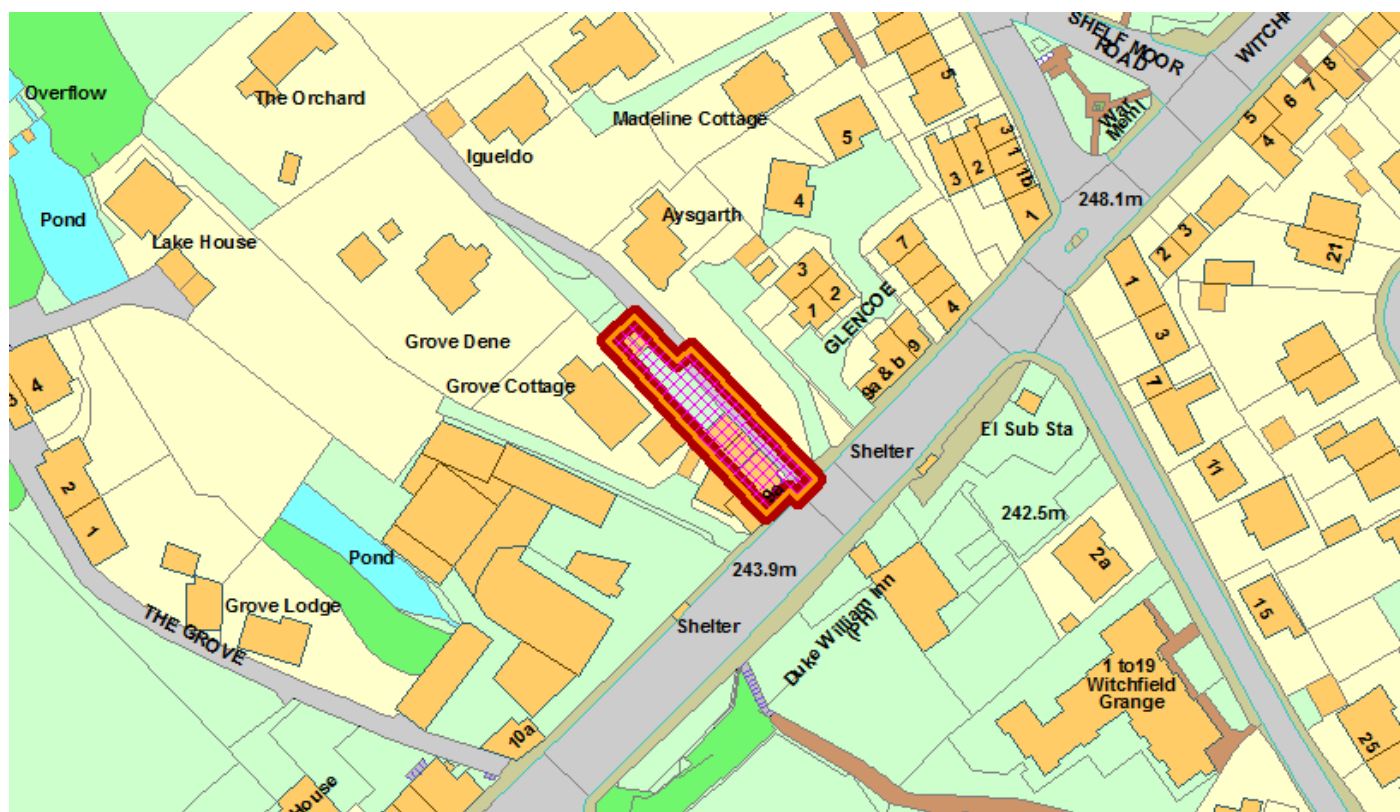
Area Team: North Team

Proposal:

**Demolition of existing property and construction of new dwelling (Revised Scheme to 23/00126/FUL)**

Location:

**Grove House 9A Wade House Road Shelf Halifax Calderdale  
HX3 7PF**



Applicant:

**Brenda Ashworth**

Recommendation: **REFUSE**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Flood Risk Manager

Building Control (E)

Highways Section  
Countryside Services (E)  
The Coal Authority  
Environmental Health Services - Pollution Section (E)  
Spatial Planning

### **Description of Site and Proposal**

The application site is a two-storey retail building of stone frontage with a large front retail shop window which faces directly onto Wade House Road. The remaining main elevations are faced in brick. This section of Wade House Road is within the Shelf Town Centre. The shop is vacant and has old signs associated with a piano and piano repair/renovations. The rear of the building has been extended by flat roofed extension. Alongside this property to the northeast is a vehicular access to the rear garage. Between this garage and the rear of the application building is a hardstanding area. The side boundaries of this building are lined with hedging.

Planning permission is sought to demolish existing commercial building and erect a house on 2 floors to be constructed of stone and slate. There would be a detached garage to the rear with an office above. Bat box and sparrow terrace is proposed on the buildings.

**The application has been brought to Planning Committee at the written request of a Ward Councillor concerning an application within their ward.**

### **Relevant Planning History**

78/01826/COU REFUSED Change of use from carpet shop to fish and chips and take-away shop

23/00126/FUL REFUSED Demolition of existing property and construction of new dwelling.

Reason for refusal:

1. The Application is identified as Primary Shopping Area within Calderdale Local Plan. In the context of Policy RT2 and the provisions set out under Policy RT7 of the Calderdale Local Plan the proposed development, through a loss of retail floorspace, would not maintain an active ground floor use and not provide for a positive contribution to the vitality, viability and diversity of the Primary Shopping Area.
2. The application site falls within a Critical Drainage Area. Policy CC2 states that within Critical Drainage Areas, a site-specific Flood Risk Assessment should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overflow routes. A site-specific Flood Risk Assessment has not been submitted with the application therefore there is insufficient information to assess if the proposal complies with Policy CC2 of the Calderdale Local Plan.

## **Key Policy Context:**

<b>Calderdale Local Designation/Allocation</b>	<b>Plan</b>	<p>Critical Drainage Area (Policy CC2)</p> <p>Landscape Character Area - Thornton - Queensbury (Policy GN4)</p> <p>Surface Coal Mineral Safeguarding Area (Policy MS2)</p> <p>Town Centre - Shelf (Policy RT1)</p> <p>Primary Shopping Area (Policy RT2)</p>
<b>Calderdale Local Plan</b>		<p>Policy SD1 – Presumption in Favour of Sustainable Development</p> <p>Policy BT1 – High Quality Inclusive Design</p> <p>Policy BT2 – Privacy, Daylighting and Amenity Space</p> <p>Policy BT3 – Landscaping</p> <p>Policy BT4 – The Design and Layout of Highways and Accesses</p> <p>IM4 – Sustainable Travel</p> <p>IM5 – Ensuring Development Supports Sustainable Travel</p> <p>Policy RT1 – Town Centre - Shelf</p> <p>Policy RT2 – Primary Shopping Area</p> <p>Policy RT7 – Residential Use in Town Centres</p> <p>Policy GN4 – Landscape</p> <p>Policy GN5 – Trees</p> <p>Policy CC2 Flood Risk Management</p> <p>Policy CC3 – Water Resource Management</p> <p>Policy EN1 – Pollution Control</p> <p>Policy MS2 – Mineral Safeguarding Areas</p> <p>Annex 1 – Car and Bicycle Parking Standards</p>
<b>National Planning Policy Framework Paragraphs / National Design Guide</b>		<p>Section 2- Achieving Sustainable Development</p> <p>Section 5 – Delivering a Sufficient Supply of Homes</p> <p>Section 9 – Promoting Sustainable Transport</p> <p>Section 11 – Making Effective Use of Land</p> <p>Section 12 – Achieving Well Designed Places</p> <p>Section 14 – Meeting the Challenge of Climate Change Flooding and Coastal Change</p> <p>Section 15 – Conserving and enhancing the natural environment</p>
<b>Other relevant planning Constraints</b>		n/a
<b>Other Material Planning Considerations</b>		n/a

### **Publicity/ Representations:**

The application was advertised in this instance by sending letters to the immediate surrounding properties.

1 neutral representation has been received from the Local Society expressing measures to benefit SUDs.

### **Ward Councillor Comments**

Councillor Peter Caffrey requests that the application is referred to Planning Committee if the recommendation is to refuse:

The following is a summary of the points raised:

- structural report demonstrates that building needs some extensive repairs to make it safe useable but may not prevent further structural dilapidation.
- no apparent evidence of flooding in this location
- concern that premises brought back into use could be blighted by a decaying unusable, unsaleable and possible unsafe building.

### **CONSULTATIONS**

Countryside Team: No objections

Flood Risk Manager: Reject until flood exceedance plan and drainage details are provided.

Coal Authority: No objections subject to conditions

### **Assessment of Proposal**

#### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework 2023 (NPPF) (most latterly updated on 19 December 2023 and revised on 20 December 2023) sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 225 of Annex 1 (Implementation) of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the Development Plan to the NPPF policies, the greater the weight they may be given.

The Calderdale Local Plan (CLP) was adopted by the Council on 22 March 2023. Its policies are aligned with those in the NPPF and they carry full weight.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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; (e.g. policies relating to habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, irreplaceable habitats; designated heritage assets; and areas at risk of flooding); 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.*

This is reflected in Policy SD1 of the CLP.

Although the Council has an up to date development plan, the results of the Housing Delivery Test for Calderdale indicates that the delivery of housing for the period 2019-20, 2020-21, 2021-22 was below 75% and therefore the NPPF provides that the 'tilted balance' at paragraph 11(d) applies to applications involving the provision of housing. However, the Council has a five year supply of deliverable housing sites identified in its CLP and paragraph 12 of the NPPF provides that:

*12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*

Although the presumption is a material consideration, each application will be considered on its own merits and development proposals weighed against the relevant CLP policies.

Permission will not usually be granted if:

- a) the application conflicts with the CLP;
- b) the policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed;
- c) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The policies in the Development Plan are fully compliant with the NPPF and are not 'out of date'. Consequently, they can be afforded appropriate weight.

Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Furthermore, the provision of 1 new dwelling would have a minimal effect on supply and housing delivery and very limited social and economic benefits as a consequence of it being a single dwelling.

Policy SD1 of the Local Plan and Sections 2 and 9 of the NPPF both place emphasis upon securing sustainable forms of development.

### Resubmitted proposal

The proposal in the new application appears to be an unchanged resubmission of the earlier refused scheme, under planning application reference 23/00126/FUL. The Design and Access statement contains some additional justification to address the reasons for refusal and an additional report (structural survey) has been submitted.

However, the conclusion of the structural survey appears to be misrepresented. The structural report states:

*[Remedial works] could be in the region of £40,000 - £50,000. Given the condition of the internal fabric together with the movement which has resulted in distorted door openings and floors, will not be rectified by the under-pinning works. Consideration should be given to disposal of the unit.*

While the Design & Access Statement states:

*The existing building is structural unstable and as described within the report even with underpinning measures it is not felt that the defects can be overcome and disposing of the building has been recommended.*

Indicating it may be necessary to consider disposal (specified in the structural report) is not the same as a recommendation for disposal (as stated in the design and access statement). The structural survey indicates that, for a cost, the building may be further stabilised to remedy the movement. It is unclear whether the report means the internal fabric or the structure of the building.

On the basis of the information submitted a clear argument with certainly has not been made why the existing building cannot be re-used. And even if a new building is justified it is not demonstrated why there is limitation of the use of the new building to a house only and why it cannot comply with the same retail uses (or other appropriate town uses within a primary shopping area) as directed below by Policy RT2 and RT7.

#### Calderdale Retail Hierarchy and Town Centre Uses

Development at this location need to comply with Policy RT2, which states that the Primary Shopping Area designation applies to the whole of the local centre boundary, and also states:

The Primary Shopping Area is the retail core where retail uses and other main town centre uses will be the focus. Main town centre use proposals in Primary Shopping Areas will be permitted where:

- a. An active ground floor use is maintained or provided; and
- b. A positive contribution is made to the vitality, viability and diversity of the Primary Shopping Area and town centre; and
- c. Retail floorspace is not lost which would be harmful to the function of the centre.

The proposal for a residential use is not compatible with a, b and c.

IV. In order to retain the vitality and viability of the Borough's centres, proposals will be permitted where:

- a. The character of the centre is not harmed, and the proposal would complement the neighbouring uses within the centre;
- b. An active frontage is provided at ground floor level to improve design and layout and attractiveness of the centre; and
- c. Proposals will retain and repair historic frontages or, where there are none, improve frontage design.

The proposal residential use does not conform to a and b above.

### Residential Use in Town Centres.

This application should also comply with Policy RT7 - Residential Use in Town Centres. Policy RT7 states:

- I. Residential proposals in designated town centres including the conversion of accommodation above shops and businesses will be encouraged and supported where:
  - a. The predominant retail character of the Primary Shopping Area is not harmed;
  - b. There is no fragmentation of any part of the Primary Shopping Area by creating a significant break in the retail core;
  - c. An active ground floor use is maintained or provided;
  - d. Adequate attenuation of noise measures, the protection of privacy and air quality are provided;
  - e. Any external alterations to the building are in accordance with the relevant Local Plan policies relating to design and materials;
  - f. Adequate access arrangements are available including facilities for the storage of bicycles and refuse; and
  - g. Access to car parking provision is in line with the Council's Car Parking Strategy.

The proposed house would not be maintaining an active ground floor use as per paragraph I(c). Although the existing building, most recently in retail use, is not a heritage asset, the preference for sustainable development should mean that first consideration is given to retention and conversion of premises. The submitted statements have weak justification of the demolition approach: to say that the re-sited building would give improved visibility at the entrance to the track to the north, which is described as already being "good"; and unexplained and unsubstantiated "major structural issues".

The development, taking into account of adjacent non-retail developments would create fragmentation of the Primary Shopping Area by creating a significant break. Furthermore, given the siting and design of proposed dwelling, and the associated residential paraphernalia, there would be a demonstrable loss from the active frontage at this location. Thus the proposal is not compliant with Policy RT2 and Policy RT7.

### Visual Amenity

Policy BT1 of the Local Plan and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design. It is considered that the proposal will meet the requirements of this policy/guidance for the following reasons.

The proposed house takes on board the existing context of the nearby setting and also maintain the scale, height, massing and use of matching materials in vicinity. The new house will not appear as an unduly prominent feature in the street scene particularly with use of materials of natural stone and slate. It is also considered, on balance, it will appear in scale with its surroundings and will relate in a satisfactory manner to them.

Overall, it is considered that the proposal will be acceptable in visual amenity terms reasonably satisfying the requirements of Policy BT1 of the Local Plan and Sections 12 of the National Planning Policy Framework in this regard.

### Residential Amenity

Policy BT2 of the Local Plan states that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex 2 sets out guidelines to help assess whether such impacts arise.

It is considered that the proposal will satisfy the requirements of this policy as it would be commensurate in scale/layout of the building to be displaced. The new dwelling would be acceptably spaced within the curtilage and the proposal will not represent overdevelopment of the site in design and overshadowing terms.

### Highway Safety

CLP policy BT4 discusses the design and layout of highways and accesses.

Annex 1 of the Local Plan sets out car & bicycle parking standards with IM5 ensuring development supports sustainable travel. Paragraph j of IM4 is also relevant as it seeks the provision of electric charging points.

The proposed access onto the highway is existing and as such there are no objections to its continued use. The construction phase would involve inevitable disruption to the shared access, but this is a feature that the applicant would need to manage with respect to access being maintained. In view of the above the proposal is considered to be acceptable in highway safety terms reasonably satisfying the requirements of Policy BT4. The proposal would incorporate an electric vehicle charging point as suggested in Policy IM4(II)(j).

### Ecological Issues

Policy GN3 Natural Environment seeks amongst other things to:

*...achieve better management of Calderdale's natural environment by requiring developments to:*

- a. Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments..."*

The site falls within a bat alert area.

The bat report is satisfactory with low chance of an adverse impact on roosting bats. The installation of a permanent house sparrow terrace within the fabric of the garage in the position shown on the plans to be sufficient for this application. The new house makes provisions for bird and bat boxes. In ecological terms the development will be acceptable reasonably meeting the requirements of Policy GN3 of the Local Plan and Section 15 of the National Planning Policy Framework in this regard.

### Land Contamination Issues

The Phase 1 Geo environmental Risk Assessment and Coal Mining Risk Assessment Report states risk can be mitigated by intrusive investigation which would reasonably meet the requirements of Policy EN3 of the Local Plan by way of pre-commencement condition requiring Phase II report with implementation of identified remedial measure.

## Policy MS2 Mineral Safeguarding Areas

The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered and more specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Combined Phase 1 Geoenvironmental Risk Assessment and Coal Mining Risk Assessment report (May 2023, prepared by MDJA).

The submitted report identifies that the Better Bed coal seam is likely to underlie the site at shallow depth. It highlights that this seam is known to have been worked extensively in the area prior to formal records being kept.

Accordingly, the report goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, including the drilling of rotary open-holes boreholes, in order to determine whether any shallow unrecorded mine workings are present beneath the site which could affect surface stability.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of intrusive site investigations. The results of the investigations should be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

In conclusion no objections have been raised subject to conditions recommended by the Coal Authority.

## Drainage and Flood Risk

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

CLP policy CC2 discusses flood risk management and includes areas which fall within critical drainage areas.

CLP policy CC3 discusses water resource management which includes amongst other things:

*“...Ensuring new development has an adequate means of water supply, sufficient foul and surface water drainage and sewage treatment capacity;...”*

The Council's Flood Risk Manager has been consulted and has comments that as the site sits within a Critical Drainage Area, a Flood Risk Assessment is required. As such, a flood exceedance plan and a drainage strategy to accompany the proposal is also required.

As submitted the application does not comply with CC2. The necessary drainage details are not provided. A full drainage investigation needs to be carried out, with a plan provided showing the location of existing drainage, any pipes, culverts, outfalls and gullies need to be shown with sizes and gradients. In addition to this a drainage plan is required showing the proposed drainage arrangements, to include pipe sizes, locations and gradients.

## PLANNING BALANCE and CONCLUSION

This resubmitted application has not reconciled the reasons for refusal set out in the recent refusal for 23/00126/FUL. On the basis of the information submitted, a clear argument with certainty has not been made as to why the existing building cannot be re-used. And even if a new building is justified, it is not demonstrated why there is limitation of the use of the new building to a residential use only and why it cannot comply with the same retail uses (or other appropriate town uses within a primary shopping area) as directed below by Policy RT2 and RT7.

The Application is identified as Primary Shopping Area in the Town Centre within Calderdale Local Plan. In the context of Policy RT2 and the provisions set out under Policy RT7 of the Calderdale Local Plan the proposed development, through a loss of retail floorspace, would not maintain an active ground floor use and not provide for a positive contribution to the vitality, viability and diversity of the Primary Shopping Area.

The application also fails against Policy CC2 of the CLP in that the site sits within a Critical Drainage Area and a Flood Risk Assessment has not been submitted along with the necessary drainage details including a full existing drainage investigation. Other matters relating to highway safety (BT4), visual amenity (BT1), residential amenity (BT2), Land contamination (EN1), Mineral Safeguarding Areas (MS2), and Biodiversity (GN3) are acceptable.

The benefits of the creation of a windfall residential unit is noted. That said one dwelling makes a very small contribution to the overall housing supply demand. Furthermore, there would be no concerns in principle, subject to a satisfactory site-specific flood risk assessment, should the ground floor be used for an appropriate town centre use alongside with the upper floor proposed for residential use.

We have both an up to date Local Plan (adopted March 2023), and a 5 year housing land supply. Paragraph 12 of the Framework (Dec 2023 revision) confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Furthermore, the provision of 1 new dwelling would have a minimal effect on supply and housing delivery and very limited social and economic benefits as a consequence of it being a single dwelling.

In the view of the LPA, the adverse impact of the proposal on the Primary Shopping Frontage and Shelf Town Centre and the insufficient information to ensure suitable drainage, would significantly and demonstrably outweigh the benefits of providing one dwelling, when assessed against the policies in the Framework as a whole.

**The proposal is not considered to be acceptable. The recommendation to refuse planning permission has been made because the development is not in accordance with policies RT2, RT7 and CC2 of the Calderdale Local Plan, nor have there been any material considerations to indicate that an exception should be made in this case.**

### **Reasons for refusal**

1. The Application is identified as being within Shelf Town Centre within a Primary Shopping Area in the Calderdale Local Plan. In the context of Policy RT2 and the provisions set out under Policy RT7 of the Calderdale Local Plan the proposed development, through a loss of retail floorspace, would not maintain an active ground floor use and not provide for a positive contribution to the vitality, viability and diversity of the Primary Shopping Area.

2.The application site falls within a Critical Drainage Area. Policy CC2 states that within Critical Drainage Areas, a site-specific Flood Risk Assessment should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overflow routes. A site-specific Flood Risk Assessment has not been submitted with the application therefore there is insufficient information to assess if the proposal complies with Policy CC2 of the Calderdale Local Plan.

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

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Date: 16 January 2024

Further Information:

Should you have any queries in respect of this application report, please contact in the first instance:-

Arshid Zaman (Case Officer) or Lauren Spensley (Lead Officer)

### **Reasons**

1. The Application is identified as being within Shelf Town Centre within a Primary Shopping Area in the Calderdale Local Plan. In the context of Policy RT2 and the provisions set out under Policy RT7 of the Calderdale Local Plan the proposed development, through a loss of retail floorspace, would not maintain an active ground floor use and not provide for a positive contribution to the vitality, viability and diversity of the Primary Shopping Area.
  2. The application site falls within a Critical Drainage Area. Policy CC2 states that within Critical Drainage Areas, a site-specific Flood Risk Assessment should demonstrate that new development is not at risk from flooding from existing drainage systems or potential overflow routes. A site-specific Flood Risk Assessment has not been submitted with the application therefore there is insufficient information to assess if the proposal complies with Policy CC2 of the Calderdale Local Plan.
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Time Not Before: 1430

Application No: 23/00995/LBC

Ward: **Calder**

Area Team: **North Team**

Proposal:

**Boiler installation on the first floor, this would require making a hole for the flue.**

Location:

**Higher Stoodley Farm Lee Bottom Road Todmorden Calderdale OL14 6HD**



Applicant:

Recommendation: **GRANT LISTED BUILDING CONSENT**

Parish Council Representations: Yes

Representations: No

Departure from Development Plan: No

Consultations:

Biodiversity

Todmorden Town Council



**This application has been brought to Planning Committee due to the application being submitted by or on behalf of a councillor, in line with the Council's Scheme of Delegation**

### **Description of Site and Proposal**

The Grade II listed building subject of this application is Higher Stoodley Farm, a hammer dressed stone farmhouse built c.1770 in a vernacular style. A side extension has been built in 1995 against the side (north-western) elevation of the property which has been constructed with stone cladding to reflect the appearance of the historic structure. A boiler flue has been inserted through a stone window jamb in the ground floor of the principal elevation of the property in an untidy fashion.

The significance of the building lies in part in its historic interest as an illustration of middle status vernacular rural housing in the region during the period. Architectural interest is derived from an appreciation of the vernacular style of the building, including its modest architectural flourishes typical of the style. An inserted boiler flue and associated damage to the ground floor window jamb detract from the ability to appreciate the architectural interest of the property. It is considered that the extension does not contribute to the significance of the property, being of modern construction.

The proposal is for the removal of an existing boiler flue from the ground floor, making good of the opening, and the insertion of a new boiler flue in the first floor of the front elevation of the modern extension.

### **Relevant Planning History**

94/02676/LBC

Description: Extensions to dwelling (Listed Building Consent)

Decision: Refused

95/00499/FUL & 95/00500/LBC

Description: Extension to dwelling

Decision: Approved 09.05.1995

Application: 16/00820/FUL & 16/00821/LBC

Description: Conversion of farmhouse to create two dwellings and the conversion of barn to two dwellings

Decision: Refused 14.11.2016

Application: 17/01298/LBC & 17/01297/FUL

Description: Conversion of farmhouse to create two dwellings and the conversion of barn to two dwellings

Decision: Refused 19.12.2017

### **Key Policy Context**

<b>Local Plan Designation/Allocation</b>	Area Around Todmorden Special Landscape Area Landscape Character Area – Moorland Fringes / Upland Pastures – Calder Terrace
<b>Local Plan policies</b>	HE 1 - Heritage
<b>National Planning Policy Framework Paragraphs</b>	Section 16 – Conserving and enhancing the historic environment
<b>Other relevant planning constraints</b>	Grade II Listed Building

## **Publicity/ Representations**

The application was publicised with Site Notice, Press Notice, and 2 neighbour notification letters.

No representations have been received.

## **Parish/Town Council Comments**

The development is within Todmorden Town Council area.

Comment received from Todmorden Town Council – ‘Supported subject to the views of the Conservation Officer’.

## **Assessment of Proposal**

### **Principle of Development**

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for works, special regard must be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Decision makers must give importance and weight to the desirability of avoiding any harm to designated heritage assets, to give effect to the LPA’s statutory duty under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The finding of harm to a heritage asset gives rise to a strong presumption against Listed Building Consent being granted.

The requirement of section 16 is set out legislation and as such is a legal duty rather than policy requirements that the Council can choose to attach limited weight to. This is reflected in paragraph 205 of the NPPF, which states:

“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.”

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 201 of the NPPF:

*“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.”*

The Grade II listed building subject of this application is Higher Stoodley Farm, a hammer dressed stone farmhouse built c.1770 in a vernacular style. A side extension has been built against the side (north-western) elevation of the property which has been constructed with stone cladding to reflect the appearance of the historic structure. A boiler flue has been inserted through a stone window jamb in the ground floor of the principal elevation of the property in an untidy fashion.

The significance of the building lies in part in its historic interest as an illustration of middle class vernacular rural housing in the region during the period. Architectural interest is derived from an appreciation of the vernacular style of the building, including its modest architectural flourishes typical of the style. An inserted boiler flue and associated damage to the ground floor window jamb detract from the ability to appreciate the architectural interest of the property. It is considered that the extension does not contribute to the significance of the property, being of modern construction.

The NPPF is a material consideration in relation to all listed building consent applications, paragraph 203 states:-

*“In determining applications, local planning authorities should take account of:*  
*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
*c) the desirability of new development making a positive contribution to local character and distinctiveness”*

Paragraph 206 of the NPPF states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”*

In addition, paragraph 208 of the NPPF states:

*“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 statutory provision relating to development plan policies as a material consideration does not apply to applications for listed building consent, however decisions are likely to be closely aligned with the objectives of the development plan. In this respect, policy HE1 of the Calderdale Local Plan does indeed reflect Section 16 of the NPPF in that it seeks to protect the elements of the listed building that would contribute to its significance.

The Calderdale Local Plan (CLP) was adopted by the Council on 23 March 2023. Its policies are aligned with those in the NPPF and they carry full weight.

Calderdale Local Plan Policy HE1 establishes that development proposals should conserve, and where appropriate, enhance the historic environment. Paragraph III of the policy states:

*“Development proposals will be expected to conserve heritage assets in a manner appropriate to their significance. Harm to a designated heritage asset (or a Class II archaeological site) will only be permitted where this is outweighed by the public benefits of the proposal. Substantial harm to or the total loss of the significance of the most important designated heritage assets will only be permitted in wholly exceptional circumstances where there is a clearly defined significant public benefit which outweighs the harm.”*

## Assessment

The proposal involves the removal of the existing boiler flue from the ground floor window, making good the opening through the use of a stone plug, to match surrounding stone, and lime mortar.

The boiler will be relocated internally into an extension to the west of the property, which does not contribute to the significance of the listed building. A new boiler flue hole will be inserted at first floor in the front elevation of the extension. The hole will be 125mm in diameter and the finish of the flue outlet will be black PVC and will project from the front elevation of the extension by 110mm.

While it would be preferable for the boiler flue to be inserted at the rear of the property where it would not distract from the principal elevation of the historic building, which is of greater significance than the rear elevation, this would extend into a neighbour's property and would not be possible. Therefore, inserting the replacement flue into the front elevation of the property, while having the potential to distract from an appreciation of the historic principal elevation to a limited extent represents the least harmful alternative.

This will represent a more discreet location than the present location of the boiler flue and allow for its removal from, and making good of, the historic part of the structure. This will improve the character and appearance of the historic principal elevation and represent a public benefit by overall enhancing the ability to appreciate the significance of the listed building.

The proposal, taken as a whole, represents an enhancement of the listed building. The new boiler will improve the energy efficiency of the building, securing its viable use into the future and the re-siting of the flue, although causing some limited harm to significance, will improve the historic principal elevation. As such, the public benefits of the proposal demonstrably outweigh the minor harm to significance and the proposal is considered acceptable in relation to policy HE1 and Section 16 of the NPPF.

## CONCLUSION

**The proposal is considered to be acceptable subject to conditions. The recommendation to grant listed building consent has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out above and there are no material considerations to outweigh the presumption in favour of such development.**

Richard Seaman  
For and on behalf of  
Director of Regeneration and Strategy

Date: 11/01/2023

Case Officer: Joe Critchley

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Should you have any queries in respect of this application report, please contact in the first instance:

Joe Critchley (Case Officer) [joseph.critchley@calderdale.gov.uk](mailto:joseph.critchley@calderdale.gov.uk) or Lauren Spensley (Lead Officer) [lauren.spensley@calderdale.gov.uk](mailto:lauren.spensley@calderdale.gov.uk)

### **Conditions**

1. Notwithstanding the details on the approved plans the design of the boiler flue shall be a 60/100 telescopic high-level flue for Worcester Greenstar wall mounted condensing gas appliances or similar in a black finish, as detailed in email correspondence received 22nd November 2023.
2. The existing flue opening shall be made good using a stone plug bedded in lime mortar. Lime mortar shall be of a mix of 1 part non-hydraulic or naturally hydraulic lime (NHL3.5) to three parts Nosterfield sand and shall be free of cementitious additives. The new facing stone shall be local gritstone to match the existing stonework adjacent in respect of colour, texture, and dressing unless otherwise approved in writing by the Local Planning Authority.
3. The proposed flue opening in the extension shall be made good using mortar colour matched to surrounding existing mortar. Mortar shall be of a mix of 1 part non-hydraulic or naturally hydraulic lime (NHL3.5) to three parts Nosterfield sand and free of cementitious additives.

### **Reasons**

1. To ensure the use of appropriate methods in the interests of visual amenity and to ensure compliance with Policy HE1 of the Calderdale Local Plan.
  2. To ensure the use of appropriate materials and methods in the interests of visual amenity, to prevent harm to the historic stonework, and to ensure compliance with Policy HE1 of the Calderdale Local Plan.
  3. To ensure the use of appropriate materials and methods in the interests of visual amenity, to prevent harm to the historic stonework, and to ensure compliance with Policy HE1 of the Calderdale Local Plan.
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