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:	2017/62/94094/W
Site Address:	International Grocery Store, 53, Blacker Road, Birkby, Huddersfield, HD1 5HU
Description:	Erection of extension and alterations to shop, alterations to roof of store/garage, new shop front and erection of extension to first floor flat (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 05-Feb-2018

Officer Report

Site Description

53 Blacker Road is a two-storey property forming part of a terraced row on the east side of Blacker Road. It is in retail use at ground floor with living accommodation above. The original part of the building is built in stone and slate. There is a small display window which is boarded up at present. The rear, which faces a shared access lane, has been progressively altered and extended by the addition of a small stone extension with a double-pitched roof and a monopitch rendered garage extension beyond this extending all way to the lane. The other properties in the row are mostly in retail or other commercial uses at ground floor but the immediate neighbour to the south appears to be residential.

Description of Proposal

The proposal is for:

- Erection of extensions and alterations to the shop;
- Erection of extensions to first floor flat.
- Alterations to the store / garage;
- Formation of a new shop front with security shutter.

The extensions to the rear would comprise a part single-storey, part two-storey extension projecting 4.7m at ground floor, 2.4m at upper floor. The gable roof to the upper floor part would be positioned 250mm above the existing eaves with the ridge 1.0m below the existing ridge. The single-storey part would have a lean-to roof. The existing garage is to have a double pitched roof constructed above the existing roof and is to be linked to the main building to become a store.

The extensions would form an enlarged shop at ground floor, and a self-contained flat at upper floor in place of the living accommodation. This would still have the same number of rooms although they would be larger.

The main display window at the front is to be widened from 2.0 to 3.2m. A security shutter is to be installed (colour-coated and of punched lath design), the shutter box concealed behind a new timber sign.

All construction materials are to match.

History of negotiations/amendments received

None.

Relevant Planning History

None.

Representations

Final publicity date Expires: 12-Jan-2018

No representations have been made.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design (informal response) – No objections.
- Highways Development Management (informal response) – No objections.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is within Birkby Conservation Area and Local Centre on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

It is considered that given the scale and nature of the proposal it does not raise Equality Act considerations.

Kirklees Unitary Development Plan:

- **T10** – Highway safety
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas
- **BE16** – Shop fronts
- **BE17** – Shop fronts on buildings within Conservation Areas
- **BE18** – Security shutters.

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 21:** Highway safety and access
- **PLP 22:** Parking
- **PLP 24:** Design
- **PLP 35:** Historic environment

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

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

- Core Planning Principles
- Section 1 – Building a strong, competitive economy
- Section 2 – Ensuring the vitality of town centres
- Section 7 – Requiring good design
- Section 12 – Conserving and enhancing the historic environment.

Assessment
The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations

1 – Principle of development: The site is within a local centre and Birkby Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area.

Policy BE5 applies, which states that development within Conservation Areas should ensure that the character and appearance of the Conservation Area is conserved or enhanced. Also NPPF part 12 applies, which states that development should ensure that the significance of heritage assets is conserved and that harm should not be allowed without a proportionate justification. This is in addition to the general requirements for good design in chapter 7.

Besides this, the main relevant UDP Policies are: BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE12 (minimum distances and space for new dwellings), T10 (development should not adversely affect highway safety), BE16 (Shop fronts), BE17 (Shop fronts on buildings within Conservation Areas) and BE18 (security shutters).

The PDLP Policies 21, 24 and 35 listed above can in principle be given considerable weight but largely cover the same considerations as the NPPF and UDP policies.

The Core Planning Principles relating to economic development and commercial centres, and Chapters 1 and 2 of the NPPF, can be considered relevant here as the site is within a Local Centre.

2 – Impact on vitality and viability of the local centre: Paragraph 24 of the NPPF states that residential development can play an important role in ensuring the vitality of centres. The development would in principle support the aims of sustainable development as set out in the Core Planning Principles and sections 1 and 2 of the NPPF in that it would support the viability of an existing business and a mixed use development, subject to an assessment of amenity, highway and other relevant planning issues, to be assessed below.

3 –Impact on visual amenity: The rear of this property, like many others in the row, has already been substantially altered so that the row has lost its original uniformity. The rear extensions would represent a substantial increase in the bulk and intensity of development but it is considered that in context they would not amount to overdevelopment or be detrimental to the character of the building or the area. Indeed the comprehensive redevelopment of the area at the rear would remove the incremental additions that have historically taken place which would be beneficial to the quality of the development to the rear of the terrace.

The widening of the display window would be appropriate given the commercial character of the street and would not lead to the loss of any important architectural features. The security shutters would comply with the aims of Policy BE18 in that they would be perforated. The shutter box would be set back behind the front face of the existing wall and concealed behind a fascia (as shown on the plans and section). Provided that the shutter box is painted or that it is permanently concealed behind a fascia, which can be conditioned, it would comply with the aims of Policy BE18.

It is considered that the development would conserve the character of the Birkby Conservation Area and would accord with the aims of Policies BE1-2, BE5, BE17-18 and the relevant PDLP policies 24 and 35.

This is subject to construction materials matching the existing building, which can be conditioned. The application form states that stone would be used for walling throughout – the agent has however confirmed that the alteration and roof extension to the store can be rendered to match the existing parts if required. To give the structure a reasonably uniform appearance in the interests of visual amenity this should be conditioned.

4 – Impact on residential amenity: The rear windows in the flat would be 10.5m from adjacent land to the rear and thereby compliant with BE12. The development would fail to leave the recommended 1.5m before adjacent undeveloped land to the north, but as this has little development potential and as there is already a large built structure on the boundary it would be difficult to justify a refusal on these grounds.

The property is mixed use rather than as a single dwelling so it is considered that the recommended 3.0m limit set out in Policy BE14 for rear extensions should not be imposed here. However, the upper floor projection would be considerably less than this in any case and it is considered that any residential accommodation or flats within adjacent properties would not experience any significant loss of amenity as a result. No windows are shown in the side elevations. There are no existing residential properties to the rear.

The Nationally Described Space Standards recommend a minimum gross internal floor area of 61 square metres for a two-bedroom dwelling. The flat shown on the plans would provide approximately 64 square metres and it is considered that it would provide future occupants an acceptable standard of living in terms of space, natural light, and outlook.

In summary it is considered that the proposal would not detract from the amenities of neighbouring properties or land while allowing an acceptable level of amenity for future occupants of the new flat, and would accord with the aims of BE12, PLP 24 and the NPPF chapter 7.

5 – Impact on highway safety: With the loss of the existing garage there would be no parking within the site for staff and only room to park a single vehicle at the front on Blacker Road.

The shop area would be significantly increased but it is likely that most customers would be local residents who would arrive on foot. It is assumed that any van drivers making deliveries would either park at the side of the road to unload products, or if there were no space available at that time they would do so in the back alley.

UDP appendix 2 recommends that 1 parking space should be provided for a two-bedroom flat. This is intended as a maximum level of provision. Given the sustainable location, which is very close to a bus route with a frequent service and is also only 20 minutes' walk from Huddersfield Town Centre, it is considered that private parking is not essential in the circumstances.

The revised design of the garage/store to the rear includes space between its rear elevation on the boundary of the property which could provide bin storage which is an improvement on the existing arrangements.

In conclusion, it is considered very unlikely that the development would give rise to highway safety problems and it is therefore judged to be in accordance with the aims of Policies T10 and T19, and PLP21.

6 – Other matters:

Ecology:
The site is in the bat alert layer but from an external viewing it would appear to have no bat roost potential. The standard precautionary note will be added.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2017/94094

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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the appearance of Birkby Conservation Area and to accord with Policies BE5, BE1 and BE2 of the Kirklees Unitary Development Plan and Policies PLP24 and PLP35 of the Publication Draft Local Plan.

3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building. Any new external walling required in connection with the raising and altering of the garage / store shall, notwithstanding the details on section (9) of the application form, be given a rendered finish to match that of the existing walls of the garage / store.
Reason: In the interests of visual amenity , in the interests of the appearance of Birkby Conservation Area and to accord with Policies BE5, BE1 and BE2 of the Kirklees Unitary Development Plan and Policies PLP24 and PLP35 of the Publication Draft Local Plan.

4. The new security shutter shall be given a permanent factory-applied or spray-painted colour finish before being installed and shall thereafter be retained as such. The shutter box shall be concealed behind a fascia board as indicated on drawing no. 1731 4a which shall be retained thereafter.
Reason: In the interests of visual amenity and. in the interests of the appearance of Birkby Conservation Area and to accord with Policies BE5, BE1, BE18 and BE2 of the Kirklees Unitary Development Plan and Policies PLP24 and PLP35 of the Publication Draft Local Plan.

NOTE: There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			05-Dec-2017
Location plan	1731.1		05-Dec-2017
Existing floorplans	1731.2		05-Dec-2017
Proposed floorplans	1731.3		05-Dec-2017
Existing and proposed front elevation and section	1731.4	A	01-Feb-2018
Existing and proposed rear elevations	1731.5		05-Dec-2017
Existing side elevation	1731.6		05-Dec-2017
Proposed side elevation	1731.7		05-Dec-2017
Existing side elevation	1731.8		05-Dec-2017
Proposed side elevation	1731.9		05-Dec-2017
Heritage / Design & access statement including shutter details			05-Dec-2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested the applicant submit an amended plan showing a section through the proposed shop window and security shutter. This was supplied and the application determined on this basis.

Report Dated: 01-FEB-2018