

**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: 2018/62/90361/W

Site Address: 6, Leafield Bank, Longwood, Huddersfield, HD3 4TR

Description: Erection of two storey side extension and new vehicular access from Stoney Lane (within a Conservataion 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: 30-Apr-2018

Officer Report

Site Description

6 Leafield Bank is a two-storey dwelling at the northern end of a row of three modern townhouses. It is two-storey with an understorey at the north-east, facing towards Stoney Lane and the main garden space, and has already been extended to the rear. A balcony has been built at upper ground floor level at this side. The main pedestrian and vehicle access is currently taken from Leafield Bank, a short unadopted road which also serves some (mostly vacant) garages. To the south and west is established residential development or land with planning permission for residential – to the north are some old industrial premises (part of the listed Parkwood Mills complex) and to the east on the other side of Stoney Lane, some vacant land leading down to Longwood Brook.

Description of Proposal

The proposal is for:

1. The erection of a side extension. It is to be 2.4m in width at the western end increasing to 3.6m at the eastern (Stoney Lane) end forming a living room, kitchen / breakfast area and utility room, with a lean-to roof. The existing balcony is to be extended across the eastern elevation.
2. The formation of an excavated double parking space with access to Stoney Lane. It is to be 7.0m in depth back from the existing highway boundary wall and up to 6.5m in width, although tapering towards the rear. The height of the retained land would be about 1.1m.

Materials are to be stone to match the existing.

History of negotiations/amendments received

24-Apr-2018: Amendments received reducing scale.

Relevant Planning History

2003/93775 – Erection of two-storey and single-storey extensions and decking (within a Conservation Area). Approved

Representations

Final publicity date Expires: 09-Apr-2018

No representations 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):

- Highways Development Management – No objections
- Conservation & Design – 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 the Longwood Edge Conservation Area on the UDP Proposals Map and on Kirklees Publication Draft Local Plan. The adjacent

building to the north is Grade II Listed (part of the Parkwood Mill site). List entry number: 1096026. Listing description:

“Integrated Room and Power woollen mill. Mid - late C19. For the firm of John Broadbent and Sons, and tenants. Coursed local gritstone, stone and slate roofs. Plain style with little embellishment- some sill bands, dentilled eaves. A fire-proof interior to mill no. 2, at the north end next to the internal engine house; otherwise cast iron columns support massive timber cross beams, the column having flat faces for power transmission systems. The main buildings of the group are numbered 1 to 8: 1. The earliest surviving mill, built early 1850's on the site of John Broadbent's first mill. Parallel to and on west side of Stoney Lane. 5 storeys, 15 bays; wide pitched roof; rear stair tower centre. Reroofed in the 1950's when the interior was rebuilt with concrete pillars and floors separate from the walls. 2 Probably built 1864, the first of the mills built during rapid expansion under the ownership of Butterworth Broadbent. 6 storeys, 16 bays. M roof; tall water tower with pyramidal roof centre of east side. Internal end engine house retains massive stone block walling and casting to support gearing of power transmission system. This engine house converted to rope race when the new engine house was added on the north end of west side early C20. Former boiler house at the north end, opening off the east side mill yard. The early C20 engine house of mill 2 at the north end has ornate moulded gable coping and round-arched windows. The interior retains original white, blue and brown glazed brick wall linings and bricked east end opening for the rope race into the former end engine house. To north again former coal stores, economiser and surviving chimney of 1877. The chimney has a tall square stone plinth with corbelled cornice and brick chimney stack with moulded crown mounted on top. Reported to have been designed as a viewing platform and chimney on an Indian model by John Edward Broadbent who had served in the Indian army. It is a form known in Manchester cotton mills of the mid C19 3 Built about 1866. 6 storeys. Extension of no. 2. 3 parallel roofs and projecting privy/stair tower with taking-in doors on centre of south side 4 Built about 1868 on the west side of no. 2. 3 storeys. Modified mid C20 and few original features survive. 5 Built about 1870. 3 storeys, 12 bays. Three parallel hipped roofs. 6 Completed by 1882. 4 storeys. Built parallel to and on east side of Stoney Lane. 18 bays altogether, rear stair / privy tower. Glazed slate roof. 7 Built with no. 6- southern section. 8 The mill offices and entrance range, south of mill 1 and fronting the bend of Stoney Lane. The building to right of the arch is an office and dyehouse and may include early structure.”

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway safety

Kirklees Publication Draft Local Plan (PDLP):

- **PLP21** – Highway safety
- **PLP22** – Parking
- **PLP24** – Design
- **PLP35** – 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.

- Chapter 7 – Requiring good design
- Chapter 11 – Conserving and enhancing the natural environment.

Paragraph 120 – “To prevent unacceptable risks from pollution or land instability planning policies and decisions should ensure that new development is appropriate for its location...Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

- Chapter 12 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: The site is in the Longwood Edge 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.

Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and T10 (development should not create or materially add to highway safety problems). All these considerations are addressed later in this assessment.

PLP24 of the PDLP states that extensions must be subservient to original building as well as being in keeping with existing buildings and minimising impact on residential amenity.

2 –Impact on visual amenity: It is considered that the extension as modified would harmonise with the existing dwelling and that it would (taking into

account its cumulative bulk and visual impact along with the earlier extension) be subordinate to the original dwelling.

It is considered that it would conserve visual amenity and the character of the Conservation Area.

Stone boundary walls may play a role in forming the character of a Conservation Area. In this instance, it is noted that the proposed access is only about 20m from the southern boundary of the Conservation Area, beyond which the stone retaining wall continues to the south, and to the north it ends at the property boundary. It is considered in the circumstances that this section of wall does not make any significant positive contribution to the character of the Conservation Area and that the works to form the lowered parking space would not have any adverse visual impact. The architect has confirmed that the retaining walls are to be faced in dry stone walling.

The proposal would therefore accord with Policies BE1-2, BE5 and BE13, and in addition those of PLP24 and 35 and of NPPF chapter 12, subject to all materials matching the existing dwelling, which can be conditioned.

2A Setting of the listed building

The proposed dwelling would be located to the south of a grade II listed building, Parkwood Mill. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, where a development proposal would affect a Listed Building or its setting, have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 12 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Consultation has taken place with the Conservation Officer and it is considered that the development would not have an adverse impact on the setting of the listed building. The application would, in these circumstances, accord with Chapter 12 of the NPPF.

3 – Impact on residential amenity: The extension would be very close to the northern boundary with Parkwood Mills. This has been the subject of multiple permissions in the past for conversion to apartments (most recently as part of application 2009/90619, which appears to have been partially implemented, although this particular building is still vacant). However, the extension as modified contains no windows above ground floor and there is already a bedroom and dining room window facing that way. So it is doubtful that it would lead to a significant mutual overlooking problem, over and above what would occur anyway.

The balcony, as extended would be closer to the common boundary than before and it is noted that the mill building is at a lower level than 6 Leaffield

Bank, but would still be about 3m from the boundary, and so it is considered on balance unlikely that it would lead to a material increase in overlooking and this would not be sufficient to justify screening

No other residential properties would be affected by reason of overlooking or other impacts. The balcony is to be extended further along the rear elevation, not further out, and so it would not give rise to any increased potential for overlooking.

In summary, the development would not harm the amenities of neighbouring properties or land and would accord with the aims of Policy BE14 and emerging Policy PLP24.

4 – Impact on highway safety: Stoney Lane is adopted but not classified. This means that the formation of a new means of access does not in itself require planning permission but the associated physical works would because they are quite substantial and would constitute ‘engineering operations’.

The access would be 5.5m in width. Visibility is inevitably limited by the retaining walls which would remain either side, but it is considered on balance that since the road has a footway on this side and the access would be on the outside of a bend, the degree of intervisibility would be acceptable. No internal turning can be provided, meaning that cars would have to reverse on or off the highway. This situation would be less than ideal, but it is considered that given the likely speed and traffic volumes on this part of Stoney Lane and the levels of visibility, it would be difficult to demonstrate that this would create or materially add to highway safety problems.

In conclusion it is considered that the development would accord with the aims of Policy T10 and PLP21, subject to the access being constructed to the width shown on the plans. It should be conditioned also that the relevant area is surfaced in permeable materials and thereafter retained as such so as to minimise any additional contribution to flood risk arising from the development, in accordance with the aims of NPPF part 10.

5 – Other matters:

Biodiversity:

The site is in the bat alert layer but on the basis of an external viewing would appear to have no bat roost potential. The standard precautionary note will be added to the decision notice.

Land stability:

Paragraph 120 of the NPPF: “To prevent unacceptable risks from pollution or land instability planning policies and decisions should ensure that new development is appropriate for its location...Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

In this instance the retained height of the land would be approximately 1.0m and the rear retaining wall would be set back 7m from the highway boundary. Modifications to retaining walls with a retained height of less than 1.35m do not normally require a technical approval. It is considered that it would not raise any significant implications for the stability of the land and the safety of highway users and that in the circumstances no calculations or further details will be required. A note should be added to the decision notice to remind the developer that any issues arising from land stability are their responsibility.

6 – Representations:

No representations have been made.

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: 2018/90361

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, and to accord with Policies D2, BE13 and BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason: In the interests of visual amenity and to accord with Policy BE13 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

4. Before the new access is first brought into use, the access shall be constructed to the layout shown on the proposed site plan (drawing no. 10) and the areas indicated to be used for parking on the proposed site plan shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government, and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the access and parking areas shall be so retained, free of obstructions and available for the uses specified on the proposed site plan.

Reason: To ensure that a satisfactory layout is created and retained in the interests of highway safety, to prevent the development giving rise to an increased contribution to flood risk, and to accord with the aims of Policies T10 and T19 of the Unitary Development Plan, PLP21 and 22 of the Publication Draft Local Plan, and the National Planning Policy Framework Chapter 10.

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.

NOTE: The applicant is reminded that notwithstanding the granting of planning permission, responsibility for the stability of retained land before, during and after excavation or building works lies with the developer.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			21-Feb-2018
Design and access statement			21-Feb-2018
Heritage statement			21-Feb-2018
Location plan			21-Feb-2018
Existing site plan	01		21-Feb-2018
Existing plans and elevations	01		21-Feb-2018
Existing and proposed site plan with street elevations	10		21-Feb-2018
Proposed elevations	04	A	24-Apr-2018
Proposed floorplans	04	A	30-Apr-2018

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 undertook negotiations with the applicant to secure amended plans reducing the scale of the proposal to ensure it was subservient to the original building and in the interests of visual amenity, and the proposal was determined on this basis.

Report Dated: 30-Apr-2018