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:	2018/62/93602/W
Site Address:	250, Deighton Road, Deighton, Huddersfield, HD2 1JJ
Description:	Alterations and extension to dwellings to extend office accommodation (Listed Building)
Recommending Officer:	Laura Yeadon

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 28-Jan-2019

Officer Report

Site Description

250 Deighton Road is a large converted dwelling with 2 further dwellings attached to the rear known as No's 248 and 248A. No. 250 is a mid-nineteenth century house which is a Grade II Listed Building and is currently occupied as an office for The Charlesworth Group. No's 248 and 248A are vacant residential properties and are not listed. There are two access points from Deighton which lead to parking areas to both the east and west of the properties. The surrounding area is a mixture of both residential and commercial properties with the site lying close proximity to the Local Centre of Sheepridge.

Description of Proposal

Permission is sought for alterations and an extension to the dwellings to extend the existing office accommodation. An application for Listed Building Consent has been submitted under application number 2018/93602 and runs concurrently with this application.

Both internal and external works are proposed and these are listed below:

External works:

- Proposed single storey extension to provide new entrance and reception area. The extension would lie flush with the side elevation of No. 250 projecting a total of 2 metres being a width of 6.4 metres. The eaves height would be 3.2 metres rising to 4 metres to the ridge of the lean-to roof
- Walling up of a ground floor door and a window formed within No. 248
- Replacement timber windows where required

Internal works:

- Reconfiguration of accommodation at both ground and first floor to No's 248 and 248A to provide offices, kitchen and WC at ground floor and offices and food preparation area at first floor
- Within the ground floor of No. 250 it is proposed to remove the doors and form a new opening and support the wall with a steel beam

The proposal also includes increasing the scale of the car park by the removal an area of landscaping towards the front of the site which would enlarge the car park and allow it to be laid out with 9 spaces plus disabled spaces.

History of negotiations/amendments received

Following initial concerns raised by the Conservation and Design with regards to the works to the Listed Building, additional justification in the form of a further Statement received on 3rd December 2018, internal photographs on 13th December and amended proposed floor plans on 24th January 2019.

Relevant Planning History

2007/91068 Outline application for erection of a terrace containing 3 no. 2 bedroom dwellings and a pair of semi-detached 2 bedroom dwellings and change of use of building to 2 flats
Conditional Outline Permission

2007/91069 Listed Building Consent for change of use of former dwelling to 2 no. flats
Consent not required

2010/90727 Outline application for erection of a terrace containing 3 no. 2 bedroom dwellings and a pair of semi-detached 2 bedroom dwellings and change of use of building to 2 flats
Conditional Outline Permission

Representations

Final publicity date expired 7th December 2018 including the newspaper advertisement – no representations received.

Parish/Town Council comments – not applicable

Consultation Responses

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

K.C. Highways Development Management – no objection and no specific conditions necessary

KC Trees (informally) – no objection.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 Unallocated Land on the UDP Proposals Map and also on the Kirklees Publication Draft Local Plan. No. 250 Deighton Road is a Grade II Listed Building with its description as follows:

"DEIGHTON ROAD 1. 5113 No 250 SE 1519 17/447II2. Mid C19. Ashlar. Mounded eaves cornice. Rusticated quoins. 2 paired arched sashes on 1st floor, with plain raised surrounds. Ground floor has canted bay with moulded cornice and ashlar sashes. Door with oblong fanlight and Tuscan columns with full entablature."

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Materials
- **EP4** – Noise sensitive development
- **H4** – Conversion of residential properties
- **T10** – Highway safety
- **T19** – Parking standards

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 21** – Highway safety and access
- **PLP 22** – Parking
- **PLP 24** – Design
- **PLP 35** – Historic environment
- **PLP 48** – Community facilities and services
- **PLP 52** – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2018, 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 5 – Delivering a sufficient supply of homes
- Chapter 7 – Ensuring the vitality of town centres

- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 16 – 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 and the Listed Building
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states "planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". All these considerations are addressed later in this assessment.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. It goes on to state that main town centre uses should be located on town centre, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered. This is in line with PLP 13 of the Publication Draft Local Plan. However, in this instance, the buildings subject to conversion would facilitate the expansion of an existing office building with the site within 50 metres of the Local Centre boundary. The Design and Access Statement and subsequent supporting Statement cites that the scheme will provide much needed extra office accommodation to satisfy the growing need within the business and will help to secure its long term future and create further employment. When considering the expansion of an existing office and taking into account that the small scale development that this application proposes in addition to bringing the vacant properties back into use, whilst being on the edge of a local centre, it is considered that the proposal is acceptable.

The NPPF also requires that Local Planning Authorities should focus on the supply of housing. Policy H4 of the UDP seeks to protect against undesirable loss of residential accommodation, outlining that proposals to change the use of residential properties will not normally be permitted unless: the area in which the property is located has changed to such an extent that the property is no longer sustainable for residential use; the property is required for a community use; the property has been identified on the Huddersfield town centre inset plan proposals map for an alternative use; or the proposal would result in the loss of a residential unit. This proposal would result in the loss of two small housing units however these are currently vacant units. In view of that, with the proposal bringing the units back into use and supporting an established local business, the proposal is considered to satisfy the aims of Policy H4 of the UDP.

Policy D2 of the UDP requires that new development on Unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure. As such, the development proposed is generally acceptable subject to appropriately addressing other planning matters.

The application proposes to convert two small residential which are vacant to extend the existing office provision for a company who are intending to expand their operation by the use of buildings that are vacant at present and are falling into disrepair, whilst at the same time providing employment. The requirement to justify the loss of the residential unit has been met and the proposal constitutes sustainable development. It is therefore considered that the proposal is acceptable in principle.

2 –Impact on visual amenity and the Listed Building:

The host building is a Grade II Listed Building. Section 66 of Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of Listed Buildings. In considering whether to grant planning permission for development which affects a Listed Building or its' setting the Local Planning Authority should have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In terms of visual amenity, the main alteration to the property would be the erection of the extension on the side elevation of the property. The Council's Conservation and Design Officer was formally consulted as part of the application process. Concerns were raised regarding the proposed construction materials as these were proposed to be an oaked framed structure with grey tiles for the roof. Conservation and Design have requested that the extension is constructed with a natural slate used for the roof and a painted timber or metal frame should be used. This has been agreed with the Agent. All the other works are internal and will be assessed in detail within the assessment of Listed Building Consent.

The extension is single storey in height and therefore subservient to the host building and is small in scale with the front elevation of the entrance hall lying flush with the side elevation of No. 250 and therefore would not be overly prominent. It is also proposed to replace the windows within 248 and 248A where necessary which is considered to be acceptable.

It is therefore considered that in terms of visual amenity, subject to a condition relating to the materials, that the proposal is acceptable in terms of visual amenity and would accord with local, national and emerging policies.

3 – Impact on residential amenity:

In terms of residential amenity the openings within the existing elevations, in the main, would be as existing. The residential accommodation would be altered to non-residential accommodation and therefore would have less of an impact on neighbouring dwelling than the use of the buildings as residential. The proposed extension is single storey in height and small in scale not reducing any established separation distances between the site and neighbouring properties. There are no other alterations that would be detrimental to neighbouring properties and is therefore considered to be acceptable.

4 – Impact on highway safety:

In terms of the impact of the scheme on highway safety, the Design and Access Statement and submitted plans demonstrate that 19 car parking spaces would be provided with 2 further disabled parking spaces and 2 no. vehicle charging points. The existing parking area would be enlarged with spaces being formally marked out.

Highways Development Management were formally consulted as part of the application process and whilst the current access is slightly under the recommended 4.5 metre width, given the space at the entrance for a vehicle to wait and the footway point being 2.7 metres wide appropriate sight lines are achieved. The parking exceeds the requirement set out in Kirklees Parking Standards and the current access layout is deemed acceptable.

Given that the parking area would be enlarged it is considered appropriate to condition the surfacing and marking out of the spaces. This would ensure the efficient operation of the car park and would ensure that an appropriate surface is used.

5 – Other matters:

Air Quality: NPPF Paragraph 170 states that planning decisions should contribute to “preventing new and existing development form contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability. Development should, wherever possible help to improve local environmental

conditions such as air and water quality…….” On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation vehicle charge points. This would also comply with the West Yorkshire Low Emissions Strategy Planning Guidance. This can be secured by a planning condition requiring one electric vehicle charging point per dwelling.
There are no other matters for consideration.

Trees: To the west of the site is an area of land which is occupied by a number of tree covered by a preservation order and the Tree Officer has assessed the proposal on an informal basis. It is noted that most of the car park to be use is existing but the enlarged area of car park would be located within close proximity to the trees, however given the extent of works with proximity the impact on trees is considered to be acceptable.

6 – Representations:

No representations have been received.

7 – 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 **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2018/93602

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, BE1, BE2, BE11, H4, T10 and T19 of the of the Kirklees Unitary Development Plan Policy PLP13, PLP24, PLP21, PLP22, PLP35, PLP42 and PLP58 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3. Notwithstanding the submitted plans, the extension shall be constructed from natural stone with natural slate for the roof and painted timber or metal frames for the openings.
Reason: In the interests of visual amenity and to minimise the impact on the host Grade II Listed Building and to accord with Policies D2, BE1, BE2 and BE11 of the Unitary Development Plan, Policies PLP24 and PLP35 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

4. Before the building numbers 248 and 248A are brought into use two electric vehicle recharging point shall be provided in the parking area as shown on drawing number18_151.0.1. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.
Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies PLP 21 and PLP24 of the Kirklees Publication Draft Local Plan.

5. The development shall not be brought into use until all areas indicated to be used for parking and turning on the submitted plans have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies ‘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 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the submitted plans and retained thereafter.
Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Unitary Development Plan Policy T10 and Policy PLP21 of the Kirklees Publication Draft Local Plan.

NOTE This hereby approved Planning Permission should be read in conjunction with Listed Building Consent 2018/23603.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			7th November 2018
Existing site layout	18_151.0		7th November 2018
Proposed site layout	18_151.0.1		7th November 2018
Existing floor plans	18_151.1		7th November 2018
Existing elevations	18_151.2		7th November 2018
Existing elevations	18_151.2.1		7th November 2018
Proposed elevations	18_151.4B		7th November 2018
Proposed elevations	18_151.4.1A		7th November 2018
Proposed floor plans	18_151.3F		24th January 2019
Design and Access Statement	Revised 7th November 2018		7th November 2018
Heritage Statement of Works			7th November 2018
Statement			3rd December 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. Following initial concerns raised by the Conservation and Design with regards to the works to the Listed Building, additional justification in the form of a further Statement received on 3rd December 2018, internal photographs on 13th December and amended proposed floor plans on 24th January 2019.

Report Dated: 25th January 2019