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:	2020/62/91401/W
Site Address:	Interior Stone Designs, Royd Street Mills, Royd Street, Milnsbridge, Huddersfield, HD3 4QX
Description:	Erection of extension (within a Conservation Area)
Recommending Officer:	Laura Yeadon

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: 03-Nov-2020

Error! Not a valid filename.

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91401

Site Description

Interior Stone Design is building within Royd Street Mills, Milnsbridge. The site consists of various buildings, some with modern extensions. The buildings are both single and two storeys with construction materials being a mixture of stone, brick and cladding. The building takes/received deliveries to the north-east elevation where an external lift and platform are located.

The site lies between Dale Street to the north and Royd Street to the south with residential dwellings directly to the west and south. The surrounding area is comprised of both residential and commercial development.

Description of Proposal

Permission is sought for the erection of an extension to the northern entrance elevation.

The proposed extension would project 1.8 metres from the north-eastern elevation and would be the full width of the building at 11.3 metres and would infill an existing external platform.

It is also proposed that a further extension would be attached which would project forward of the infill extension by 3.9 metres and would be set in from the delivery door by 0.8 metres. The extension would project off the existing side elevation of the building by 3 metres and would provide personnel access into the building.

Both extensions would have a roof height that would be a continuation of the existing with the construction materials being metal cladding for the walls and standing seam metal for the roof.

Openings would be located within the north-east, north-west and south-east elevations.

History of negotiations/amendments received

No negotiations have taken place nor have amended plans been sought.

Relevant Planning History

2013/91289 Installation of new roof and repair works (within a Conservation Area)

Conditional Full Permission

2014/90069 Non-material amendment to previous permission 2013/91289 for the installation of new roof and repair works (within a Conservation Area)
Approved

2019/90799 Erection of single storey extension (within a Conservation Area)
Conditional Full Permission

Representations

Final publicity date expired 3rd July 2020 – 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. Environmental Health – no objection subject to conditions relating to contaminated land and construction noise

K.C. Conservation and Design – no objection – advised that cladding should match existing in terms of colour and texture

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within the Milnsbridge Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 3** – Location of new development
- **LP 21** – Highway safety and access
- **LP 24** – Design
- **LP 35** – Historic environment
- **LP 52** – Protection and improvement of local environment quality
- **LP 53** – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 6 – Building a strong, competitive economy
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – 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 and the wider Conservation Area
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety and on the wider Conservation Area.

The site is within the Milnsbridge Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention

shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan.

Chapters 6 and 11 of the NPPF and Policies LP1 and LP7 of the Kirklees Local Plan establish a general principle in favour of supporting commercial development that enhances the viability of business. This weighs in favour of the proposal and is a consideration of the development.

2 –Impact on visual amenity and Milnsbridge Conservation Area:

The proposal has been submitted following the recent granting of planning permission for an extension to the building. The section of extension which projects 1.8 metres from the north-eastern elevation and spans the width of the elevation formed the previous application and it was considered that the design was functional, modest in scale and visually appropriate for the infill extension. This application proposes a further extension which would project forward of this elevation and would provide access into the building via an internal staircase as the external stepped access would be removed as part of the infill of the extension. This extension is considered to be acceptable and suitable within the commercial area. The scale is relatively modest although to extension is a clear addition to the building and the use of metal cladding is considered acceptable subject to it being in keeping with the host building. Informal discussions have taken place with the Conservation and Design Officer in relation to the colour and it is considered that a dark brown finish to the cladding should be conditioned.

The site is on the edge of the Milnsbridge Conservation Area with the north-eastern elevation forming the Conservation Area boundary. The Conservation Area is characterised by historic mills and commercial areas, alongside workers housing. This character would not be altered by the proposed development with the impact being neutral.

Taking the above into consideration, the proposal is visually acceptable and would have little harm on the character of the Conservation and would accord with Policies LP24 and LP35 of the Kirklees Local Plan.

3 – Impact on residential amenity:

The extension would be constructed along the boundary which is shared with No. 9 Royd Street Avenue in front of the existing boundary wall. The extension would be visible from the rear elevation and garden area to this residential property. The plans indicate that the extension would be visible by 1.8 metres above the wall which would be visible at the rear corner of the garden area of No. 9. At the time of the site visit on the previous application, a shed was located in the garden area which mitigated some harm. Due to the location of the section of building which would enclose the garden area of this property, as the height visible above the wall would be 1.8 metres, this is the same height as a typical domestic fence. As such, it is considered that this

would not compromise the amenities enjoyed by the occupiers. There is a doorway proposed in the north-west elevation of the proposed extension however this would be set below the garden area of No. 9 and therefore no overlooking would occur.

As cited within the previous Officer Report, a further consideration is that this development would bring the business deliveries inside and not from the existing platform which would help to mitigate noise pollution and general disruption during deliveries.

Due to the close proximity of the business to residential dwellings, Environmental Services were formally consulted regarding the proposal. The comments receive noted the previous application and states that this proposal increases the size of the previous extension and the subsequently the footprint. The site has been identified as potentially contaminated land due to its previous use. A mill pond was present and whilst it has been filled, it may be contaminated. In addition, as there are nearby noise sensitive properties, construction noise and vibration will need to be controlled where necessary. Informal discussions have taken place with an Environmental Services Officer with regard to the conditions proposed within the formal consultation response and it is considered that whilst ideally a Phase 1 contaminated land report should be submitted, the harm caused by the additional development within the site and the risk of contamination from the mill pond is considered to be low. Therefore a condition should be imposed identifying advice regarding the method of reporting unexpected contaminated land during the process of construction. This aligns with the condition imposed on the previous consent.

Subject to the conditions recommended being imposed, it is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with Policies LP24 and LP52 of the Kirklees Local Plan.

4 – Impact on highway safety:

The application form states that there would be no loss of parking as a result of the proposal however when viewing overhead plans and viewing the previous Officer's site photos it would appear that at least 1 no. parking space would be lost as a result of the section of extension housing the staircase. It is however noted that the parking area appears to be an informal arrangement within the wider service yard and therefore it is not considered that the impact on parking or on highway safety from this small scale extension would be significantly harmful.

5 – Other matters:

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan

policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. The development is for an established commercial property with the proposed material of construction being metal cladding. This is considered to be thermally efficient in terms of the nature of the site and acceptable in terms of climate change mitigation.

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:

Officer Recommendation: Approve

Conditions

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 LP1, LP2, LP3, LP21, LP24, LP35, LP52 and LP53 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The external metal cladding for the walls of the extensions hereby approved shall in be finished in a dark brown colour.
Reason: In the interests of visual amenity and wider Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.
Reason: To identify and remove unacceptable risks to human health and the environment, in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

5. All construction related activities shall not take place outside the hours of 0730 to 1830 Mondays to Fridays, 0800 to 1300 on Saturdays with no activities on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

Note: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the that way in which construction is carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	01 – Rev: C		19th May 2020
Proposed block plan	04 – Rev: A		19th May 2020
Existing elevations and floor plans	02 – Rev: C		19th May 2020
Proposed elevations and floor plans	03 – Rev: C		19th May 2020
Heritage Statement	20/0046 March 2020		19th May 2020

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. No negotiations have taken place as it was considered that the proposal was acceptable as submitted.

Report Dated: 30th October 2020

Coal - none