

**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: 2020/62/92457/W

Site Address: 29, Wildspur Mills, Sheffield Road, New Mill, Holmfirth,
HD9 7BA

Description: Installation of bi-fold doors with external patio area
and additional windows

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: 26-Oct-2020

Officer Report 2020/92457

29 Wildspur Mills

Site Description

29 Wildspur Mills is the end property in a terrace (three-storey at the front, two-storey at the rear) forming part of a large mill conversion and redevelopment scheme in an otherwise semi-rural setting off Sheffield Road, which lies to the east. The land to the west is undeveloped with a narrow belt of woodland. There is a small enclosed garden adjacent to the northern end elevation of the property, bounded by a public footpath, with a more extensive garden on the other side. It is built in stone with a pitched roof in reproduction stone slates.

Description of Proposal

The proposal is for external alterations to side elevation, which are to comprise:

1. The formation of a new opening and installation of bi-fold glazed doors of 5.3m width (in anthracite grey aluminium) at upper ground floor
2. French windows (in white UPVC frame) and a Juliet balcony at second floor;
3. A triangular window (in white UPVC frame) towards the rear of the building at second floor.

History of negotiations/amendments received

None.

Relevant Planning History

2003/92850 Conversion of mill buildings and derelict cottages to form 27 no. apartments, 11 no. townhouses and 3 no. detached dwellings, erection of new block of 16 no. apartments and 3 no. townhouses. Approved.

2004/92026 - Conversion of mill buildings and derelict cottages to form 29 no. apartments, 11 no. townhouses and 3 no. detached dwellings, erection of new block of 16 no. apartments and 3 no. townhouses (modified proposal). Approved.

Representations

Final publicity date Expires: 01-Oct-2020. Publicity by site notice and press advertisement in addition to neighbour letter because the application was deemed to affect the setting of a Public Right of Way.

Holme Valley Parish Council comments: Support.

No representations received from any other third party.

Consultation Responses

No consultations were deemed necessary.

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 Green Belt on the Kirklees Local Plan.

The application is not considered to raise access or other Equality Act issues.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design

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 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land

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 – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development: The site is within the Green Belt on the Kirklees UDP Proposals Map. NPPF Chapter 13 paragraph 144 advises that planning authorities should ensure that “very substantial weight” is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated. In particular, para. 145 states that extensions to buildings may be appropriate if they are not disproportionate.

The current proposal however is not an extension but amounts to an alteration within the existing footprint. The development, as the plans indicate, would involve some raising and levelling of the garden adjacent to the side elevation of the property. But this would only involve raising garden levels by approximately 300mm, it would not involve the formation of any new retaining structures, and it is considered that its impact on the openness of the Green Belt would be immaterial.

For the same reason, Policy LP57 of the Local Plan, extensions within the Green Belt, does not fall to be considered.

The other LP policies listed above, dealing with design and highway safety, will also be given consideration.

2 –Impact on visual amenity: It is considered that the French doors with Juliet balcony, and the bifold doors, would both complement the appearance of the building, and that the choice of materials is appropriate for the site.

As for the large triangular window, an alternative design might in some ways have been preferable. From discussion between the case officer and the applicant it is understood that this window is needed for a second-floor bedroom that at present has inadequate natural light and outlook. Whilst it would not relate very well visually to the existing window openings, which are rectangular, it would possibly bring environmental as well as amenity benefits in reducing the occupants’ reliance on electric light. It could be reversed in future.

Furthermore, the property still benefits from Part 1, Class A permitted development rights in so far as they apply to alterations, not extensions, and since this window is to be non-opening it would in principle be permitted development if obscurely-glazed. It is therefore considered on balance that the proposed alterations would not detract from visual amenity or the character of the building and are acceptable under LP24(a).

3 – Impact on residential amenity: No residential properties would be affected by the new windows and it is considered to be neutral in its impact on residential amenity and in accordance with the aims of LP24(b).

4 – Impact on highway safety: None of the works are considered to have any impact on highway safety and would not adversely affect the setting of the adjacent PROW or the safety of people using it. The proposal therefore accords with the aims of LP21-22.

5 – Other matters:

Ecology:

The site is in the bat alert layer. From an external viewing, the property is very unlikely to have bat roost potential. The standard precautionary note will be added to the decision notice.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an alteration or improvement to an existing dwelling it is considered however that any resulting contribution to greenhouse gas emissions would be very minor. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

6 – Representations: Holme Valley Parish Council’s support for the proposal is noted. Besides this no representations were made.

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: 2020/92457

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 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 Policy LP24 of the Kirklees 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			13-Aug-2020
Location plan	A-100	A	13-Aug-2020
Existing floorplans and elevations	A102	A	13-Aug-2020
Proposed floorplans and elevations	A103	A	13-Aug-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. The case officer asked the applicant if an

alternative design could be considered for the triangular window but in the end it was decided that the proposal was acceptable in its present form and no amended or additional plans were requested. This took into account the fallback position for the creation of additional opening in the elevation using permitted development rights.

Report Dated: 23-Oct-2020