

**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: 2021/62/90955/E

Site Address: The Archive Building, Wheatley Park, Woodbottom,
Mirfield, WF14 8HE

Description: Demolition of existing storage and erection of
extension

Recommending Officer: Josh Kwok

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.

Paul Dowd

AUTHORISED OFFICER

Date: 10-May-2021

Officer Report

Site Description

The Archive Building, Wheatley Park is a single storey, traditionally designed stone building with a hipped roof and several roof lights above, a store to the side and a parking area to the front. The site is enclosed by timber fences and stone walls.

Wheatley Park is a business park surrounded by green fields to all directions. The buildings vary considerably in scale, form, and appearance. There is a public bridleway running through the entire business park, which then joins another public footpath. The site and its surroundings are semi-rural in character.

Description of Proposal

Planning permission is sought for demolition of existing storage and erection of extension. Details of this development are set out as follows.

- 7.9m deep x 10.3m wide x 5.9m high
- Facing materials to be matching stone and timber cladding
- Roofing material to be slate tiles to match

History of negotiations/amendments received

No amendments sought on this occasion.

Relevant Planning History

2020/93386 – Demolition of existing storage and erection of extension (Wheatley Park, Hagg Lane) – Withdrawn

Representations

This application was advertised by neighbour letter, site notice and news advert, which expired on 21-Apr-2021. No representations were received following this publicity.

Consultation Responses

The Coal Authority – 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

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 proposals maps.

Kirklees Local Plan:

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 23** – Core walking and cycling network
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 53** – Contaminated and unstable land
- **LP 57** – The extension, alteration, or replacement of existing buildings

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 02 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to

protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

Since the site is within the Green Belt, consideration must be given to the overall scale and design of the scheme to ensure that it preserves the openness and character of the Green Belt, in accordance with the KLP and the NPPF. In this case, the proposal is for the demolition of an existing store and the erection of an extension. It could benefit from exception (c) of paragraph 145 of the NPPF insofar as it does not constitute a disproportionate addition over and above the size of the original building in the Green Belt.

The building concerned has already existed in the current location since 1907, according to the Council's historic map. Its footprint appears to be largely unchanged. Also, there is no planning record of extensions found at this site. Under those circumstances, officers consider on the balance of probability that application building is likely not to have been extended before and, therefore, is an original building as defined in Annex 2 of the NPPF.

The footprint of the proposed extension would be appropriately 59.0m². This represents a 35% increase compared to that of the host building. The extension could not, therefore, be considered small in scale. However, its height would be the same as that of the existing building, whereas its width would be limited to less than one third of that of the enlarged building. In view of these considerations, officers are satisfied the original building would remain the most dominant element when viewed with all other additions presented at the application site. This development would not constitute disproportionate additions over and above the size of the original building.

By virtue of it being an exception set out in paragraph 145 of the NPPF, the development concerned is not inappropriate in the Green Belt or harmful to its openness. Very special circumstances are not required to make it acceptable in relation policy LP57 of the KLP and chapter 13 of the NPPF. There would be no adverse impact on the purposes of the Green Belt identified in paragraph 134 of the NPPF.

To conclude, the above assessment demonstrates that the size of the extension is proportionate to that of the original building. As such, it benefits from exception (c) of paragraph 145 of the NPPF and policy LP57 of the KLP. Furthermore, officers find the impacts on openness and Green Belt purposes are acceptable in respect of chapter 13 of the NPPF. Subject to all other aspects of the scheme being consistent with relevant policies in the KLP, it could be recommended for approval.

2 –Impact on visual amenity:

As already discussed earlier, although not small in scale, the extension would establish a subservient relationship with the host building, in terms of its height and footprint. It would not cause a visually dominating impact on this

building. The scale of development could be supported from a visual amenity perspective.

The external walls of this extension would be constructed with stone, glass, and timber cladding, while the roofs would be covered with slate tiles. The chosen materials would give the extension a relatively contemporary appearance, different from the existing building. Nonetheless, the fact the extension being subservient to this building in scale means the visual impact resulting from the selected materials is likely not to be unduly detrimental. The buildings nearby are made of various materials. Their form, design and fenestration detail are all different too. Noting these mitigating factors, officers find these construction materials could be, on balance, acceptable in this instance.

The extension would have a dual-pitched roof set perpendicular to the host building. It would feature an overhanging balcony at the rear facing the adjoining open green field and a large window in the front elevation. These additional design features would affect the overall appearance of the existing building and the local street-scene to a degree. However, acknowledging the variety of built forms and designs already exist in this locality, the proposal is considered not to be harmful to visual amenity. On balance, it could be supported in design terms.

In summary, the proposal is of a satisfactory quality in scale, design, and materials. It would relate appropriate to the host building and preserve the character of its immediate surroundings. There would be no harm to the local street-scene. Accordingly, this development complies with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposed extension would have a large opening facing a neighbouring detached house at 12 Woodbottom. However, given this house is set at an angle to the application building and more than 20m away from it, the potential of impact on the residential amenity of these neighbours is low and acceptable in terms of policy LP24 of the KLP. There are no other residential buildings in the vicinity of the site. To conclude, the proposal is appropriate from a residential amenity perspective.

4 – Impact on highway safety:

The development under consideration would neither intensify the commercial use of this building, nor would it affect the parking arrangement of the site. The enlarged building would be occupied by one business as existing. As such, no highway safety or parking issues would arise from this development. It conforms to policies LP21 and LP22 of the KLP.

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 proposal is an extension to an existing building. As such, no specific measures are required in terms of the planning application with regards to carbon emissions. However, there are controls in place in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

Ground conditions

The application site is in a "Development High Risk Area" as identified by the Coal Authority. This application is supported by a Coal Mining Risk Assessment, which has been reviewed by the Coal Authority. After considering the revised CMRA, the Coal Authority confirms that the proposed development could be acceptable in terms of policy LP53 of the KLP and chapter 15 of the NPPF, subject a condition that requires an intrusive site investigation and mitigation strategy to be submitted to the Local Planning Authority for approval before the development commences. In addition, a signed statement or declaration should be submitted upon completion of this development to the Local Planning Authority for approval before the dwelling is occupied. This, again, would be secured by condition.

PROW

The application site is accessible via Hagg Lane, which also hosts public bridleway MIR/82/20. As such, this development should be assessed against policy LP23 of the KLP. In this case, the proposal is for an extension of an existing building for business. There would be no changes to the site access and parking provision and no material increase in terms of the number of trips. Accordingly, the development concerned is unlikely to have a negative impact on the PROW. A footnote would be inserted to the decision notice, advising the applicant not to cause any obstructions to the PROW at any time. Subject to this, the proposal is compliant with policy LP23 of the KLP.

Ecology

The site is located within a bat alert layer. Following a site visit, the building appeared to be well-sealed and there was no evidence of bat roosts, nor bat roost potential. A footnote has been added to the decision notice, to provide

the applicant with advice, should bats, or evidence of bats, be found during construction. This would accord with the aims of chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations were received following the statutory publicity.

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: 2021/90955

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 to ensure the satisfactory appearance of the development on completion, to preserve the openness and character of the Green Belt, in accordance with Policies LP21, LP22, LP24 and LP57 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the extension hereby approved shall be faced with regular coursed natural stone, glass and timber cladding and the roofs shall be covered with tiles to match those used in the construction of the existing building on site.

Reason: In the interests of visual amenity, to ensure a satisfactory appearance of development is achieved upon completion, to preserve the character of the Green Belt in accordance with Policies LP24 and LP57 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

4. No development on the detached building hereby approved shall commence until

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and,
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full, to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with the authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the construction of the detached building, is considered necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

5. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure all remedial and mitigatory measures contained in the scheme submitted pursuant to condition 6 have been fully implemented as approved before the development is first brought into use, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

6. 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) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: To achieve a satisfactory site layout, to avoid overdevelopment of the application site and to preserve the openness and character of the Green Belt, in accordance with Policies LP24 and LP57 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may 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.

NOTE: Public Bridleway Mirfield MIR/82/20 is adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing plans and elevations	CH.10 & CH.11		15-Mar-2021
Location plan			15-Mar-2021
Proposed plans and elevations	CH.1 & CH.2		15-Mar-2021
Proposed site plan	5989(L)102		15-Mar-2021
Existing site plan	5989(L)102		15-Mar-2021
Coal Mining Risk			15-Mar-2021

Plan Type	Reference	Version	Date Received
Assessment			

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 has, 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 amendments were sought on this occasion because the development is considered acceptable in its submitted form.

Report Dated: 07-May-2021