

**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:	2024/62/90485/W
Site Address:	24, Mountjoy Road, Edgerton, Huddersfield, HD1 5PZ
Description:	Erection of external ramp, landing and steps (within a Conservation Area)
Recommending Officer:	Joanna Rednall

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.

John Holmes

AUTHORISED OFFICER

Date: 23rd April 2024

The Site

24, Mountjoy Road is a registered care home located in Edgerton, Huddersfield. The external walls of the property are constructed from natural stone and the property has a gable roofing style infilled with tiles. The main amenity space is to the rear where the property benefits from a long, lawned garden, together with hard surfacing. There is a stepped access to the rear door,

Regarding the wider street scene of Mountjoy Road, there is a strong extent of similarity with regard to the harmonising appearance of the properties. Surrounding properties have a very similar style of design and construction, semi-detached with a traditional stone exterior.

The application site is located within Greenhead Park/ New North Road Conservation Area.

The Proposal

The applicant is seeking planning permission for erection of external ramp, landing and steps (within a Conservation Area). This would replace the existing stepped access.

The total length of the ramp would be ~8.4 metres along the rear elevation of the property. The rear projection would be ~3.5 metres. The ramp would have two landing platforms, one at a height of ~0.5 metres along the east-facing boundary, and the second at a height of ~0.9 metres and would be level with the rear door. The handrail would have a height of ~0.8 metres.

To the west facing elevation of the ramp would be five steps.

The external ramp would be constructed with natural stone upstand walls with buff coloured concrete flagged paving. To each side of the ramp is a safety handrail in black tubular metal.

Planning History

Relevant planning history for this site is summarised as follows:-

- 92/04899 Conversion from existing hotel to registered care home (conditional full permission)

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, a site notice, and an advertisement in the Huddersfield examiner.

Final publicity date expired 7th April 2024. No representations were received as a result of the publicity.

Consultations

KC Conservation and design (informal) – The proposal is considered to be appropriate from a conservation and design perspective.

Allocation & Policies

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).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP35 Historic Environment
- LP53 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 20th December 2023, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

Kirklees Highway Design Guide (November 2019)

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)

3. Impact upon residential amenity
4. Impact upon highway safety
5. Impact upon land stability
6. Other matters
7. Representations
8. 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.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset’s conservation irrespective of the level of harm.

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set. Any impact on

heritage assets (the Greenhead Park/New North Road Conservation Area) will be given consideration, having regard to Chapter 16 of the National Planning Policy Framework and policy LP35 of the Kirklees Local Plan.

In this instance, it can be stated that the principle of development of this application is acceptable subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Information Submitted with Regards to Significance:

Paragraph 200 of the NPPF required that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a heritage statement, which meets the tests set out in Paragraph 200. It identifies the location of the application site within the Conservation Area and outlines that the external materials will be in keeping with the existing property (natural stone upstand walls with buff coloured concrete flagged paving). The proposal includes a safety handrail to each side in black tubular metal to match the existing ironwork on the building.

2 – Impact on Designated Heritage Assets and visual amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

The external ramp would be constructed to the rear elevation of the application property. Construction materials would consist of natural stone upstand walls with buff coloured concrete flagged paving. To each side of the ramp is a safety handrail in black tubular metal to match the existing property. The ramp would be located to the rear of the dwelling and would not be a dominant addition within the street scene.

From a conservation perspective, it is also considered that the proposed external ramp would not detract from the conservation area, and the impact on Greenhead Park/ New North Road CA is considered to be negligible given the siting and scale of the proposal. The ramp would be to the rear of the dwelling and constructed from materials in keeping with the host property. Therefore it is concluded that the proposal would not lead to harm to the Conservation Area. It would replace a smaller feature but would provide the same function. It would rather have a neutral impact on the character and appearance of the building and wider area.

For all the reasons outlined above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality or harm the heritage significance of the Greenhead Park/New North Road CA . Therefore, the proposed development is concluded to comply with Policies LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Given the nature and location of the proposal, the only neighbouring dwellings that could be materially impacted are 22, Mountjoy Road to the east and 26, Mountjoy Road to the west.

Impact on 22, Mountjoy Road

This is the neighbouring property to the east of the application site. It is considered that the proposed external ramp would have no detrimental impact on residential amenity. Although the first landing platform would be adjacent to the shared boundary wall, the combined height of the ramp and handrails would not project above the shared wall, therefore would have no impact in relation to overshadowing/overbearing/ loss of privacy; even from the use of the feature to enter and exit the building.

26, Mountjoy Road

This dwelling is located to the west of the application property. Due to the small scale of the proposed works it is not considered that the proposed works would cause detrimental harm to the residential amenities of level of light or outlook currently enjoyed at this property.

Whilst users of the ramp are at an elevated level, it is not considered this would lead to a significant level of overlooking of neighbouring occupiers occurring, particular given the size / scale of the ramp and the means of enclose surrounding the ramp which would not easily allow for its use as a raised terraced area. As such it is not considered screening would be required to be undertaken to the side of the ramp adjacent to the shared boundary.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

The proposed development will not directly increase domestic use of 24, Mountjoy Road, nor will it alter the existing parking arrangements on site or access to and from the adjoining highway. Therefore, the proposal is considered acceptable from a highway safety perspective. It does not appear to block access to the rear of the property, where the majority of the hard surfaced are would be retained.

It is therefore considered that in terms of access and highway safety / parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, the Council's Highways Design Guide and policy within chapter 9 of the National Planning Policy Framework.

5 – Impact upon land stability

The application site falls within an area at High risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. In this case the fact the proposal would require minimal ground disturbance works. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and Chapter 15 of the National Planning Policy Framework.

6 – Other matters:

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population.

An informative would be included, however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

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 wall upstands of the ramp would be constructed from natural stone which is a sustainable, recyclable material which would locally sourced. This is considered to be acceptable in terms of mitigation against climate change. A climate Change Statement has been submitted with this application.

7 – Representations:

None received

8 – 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: 2024/90485

Officer Recommendation:

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 (as amended).

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 accord with Policies LP01, LP02, LP21, LP22, LP24, LP30 & LP35 of the Kirklees Local Plan and Policies within Chapters 2, 9, 12, 14 & 16 of the National Planning Policy Framework

3. Notwithstanding the plans submitted the materials of construction and colour finish of the external walls and hand rail of the development hereby approved shall in all respects match those used in the construction of the existing steps and hand rail. The materials of construction and colour finish shall thereafter be retained.

Reason: In the interests of visual amenity and to preserve the character of the Conservation Area to accord with policies LP24 & LP35 of the Kirklees Local Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

NOTE: Chapter 15 of the National Planning Policy Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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. 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			20/02/24
Part plans and elevations as existing and proposed	2302 01		20/02/24
Heritage statement			20/02/24
Location Plan	PP-12819581v1		20/02/24
Block plan			23/02/24
Climate change statement			13/03/24

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 amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

18/04/24

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