

**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:** 2017/62/92881/W

**Site Address:** 2, Queens Road, Edgerton, Huddersfield, HD2 2AG

**Description:** Change of use from C1 (hotel) to C3 (dwelling) (Listed Building within a Conservation Area)

**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: 11-Oct-2017**

## Officer Report

### Site Description

2 Queens Road is a large semi-detached dwelling with attic and basement accommodation located near the junction with Edgerton Road. It has a large garden to the north-west and a substantial parking area to the north-east, on the road frontage. It is in a residential area comprising mainly large individually-designed properties.

### Description of Proposal

The proposal is for the change of use of the premises from a guest house to a dwellinghouse. No physical alterations are proposed as part of the application.

### History of negotiations/amendments received

None.

### Relevant Planning History

2017/20286: Pre-application enquiry for change of use from guest house to dwelling house.

### Representations

Final publicity date Expires: 09-Oct-2017

No representations made

### Consultation Responses

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

No consultations were deemed necessary.

### Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material

considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. 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 weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. 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 (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is in the Edgerton Conservation Area, unallocated on the UDP Proposals Map and designated as within Edgerton Conservation Area on Kirklees Publication Draft Local Plan. The Building is also Grade II Listed.

**Kirklees Unitary Development Plan:**

- H8 – Change of premises to residential use.

**Kirklees Publication Draft Local Plan (PDLP):**

- PLP 21: Highway safety and access
- PLP 22: Parking
- PLP 35: Historic environment

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, 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 7 – Requiring good design
- Chapter 12 – 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 (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations

1 – Principle of development: The site is in the Edgerton Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. There is also a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the Listed building and its setting.

In this context preservation means not harming the interests of the building as opposed to keeping it unchanged.

The most relevant UDP policies here are:

- Policy H8 which states that the change of use of buildings to residential use will normally be permitted subject to employment, environmental, amenity and traffic considerations;
- Policy BE5 which states that development within Conservation Areas should ensure that the character and appearance of the Conservation Area is conserved or enhanced.

Also NPPF part 12 applies, which states that development should ensure that the significance of heritage assets is conserved and that harm should not be allowed without a proportionate justification, and the Core Planning Principles which states that planning decisions should ensure a good standard of amenity for all existing and future occupants of land and buildings;

There are no specific UDP Policies which address the loss of visitor accommodation through conversion to other uses. There is no evidence that there is an inadequate supply of bed and breakfast accommodation in this part of Huddersfield, and so the loss of a single unit would not have any significant impact on the local economy. The proposal is therefore considered to be compatible with the aims of sustainable economic development subject to compliance with the aims of the various NPPF and UDP Policies already listed, which will be assessed below.

2 –Impact on visual amenity: No impact on visual amenity or heritage issues would result from the change of use in itself. As it would help to keep the property in a viable use the change of use would in principle support the aims of the NPPF chapter 12 and Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Impact on residential amenity: It is considered that future residents would have an acceptable level of amenity. The proposed change of use would not in itself have any implications for the residential amenities of other properties in the vicinity of the site.

It is considered unnecessary to remove residential permitted development rights because there would only be very limited opportunity to extend anyway – side extensions are not permitted development in Conservation Areas and a rear extension would have very little impact on the adjoining property which has its main outlook to the front.

4 – Impact on highway safety: There is room to park several vehicles within the site, which is to remain, and the proposed use as a single dwelling would typically mean fewer vehicular journeys to and from the site. It would therefore not raise any highway safety concerns.

5 – Other matters:

*Biodiversity:*

The site is in the bat alert layer but on the basis of an external viewing would appear to have no obvious bat roost potential, and besides, the proposal is for a change of use to a building that is already occupied. The standard precautionary note will be added to the decision notice.

**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 – CONDITIONAL FULL PERMISSION**

## Decision Authorisation - Delegated Powers

**Application Number:** 2017/92881

**Officer Recommendation:** CONDITIONAL FULL PERMISSION

### 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.

**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			21-Aug-2017
Location plan			21-Aug-2017

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 did not undertake negotiations with the applicant as no amended plans were considered necessary.

**Report Dated:** 11-Oct-2017

