

**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: 2018/62/92347/W

Site Address: 92, New North Road, Edgerton, Huddersfield, HD1 5QP

Description: Partial demolition and change of use of ground and lower ground floors to offices (B1) and external alterations (within a Conservation Area)

Recommending Officer: William Simcock

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 27-Feb-2019

Officer Report

Site Description

92 New North Road is a large detached dwelling on a corner site, built in stone with a slate roof. It is two-storey at the front, three-storey at the rear owing to the change in ground levels. Vehicular access is taken from Cemetery Road, to the side. The land within the curtilage – a small area to the front and a more extensive area to the rear – is surfaced in tarmac and provides space for parking and access, including to the large flat-roofed garage block against the rear boundary.

It is in residential use on all floors. These are all 1-bedroom flats except for the lower ground floor which is a 2-bedroomed flat. There are 2 flats each at ground and first floor and a single one at attic level, which amounts to 6 altogether. It appears that the ground floor was in office use until recently (see History).

The closest neighbouring buildings are no. 94 which is adjacent on the Trinity Street frontage and in residential use, a much smaller dwelling, 94b, immediately behind this (presumably converted from a former garage or coach-house) and the former coach-house belonging to 94 which is located on the Cemetery Road frontage and appears to have been converted to residential use although it is not known whether it is currently occupied.

Description of Proposal

The proposal is for the change of use of the ground and lower ground floor to offices, and external alterations.

It is proposed that the ground floor and lower ground floor would be converted to offices and administrative support space. The upper floor flats would remain as flats.

The only external demolition would be of the existing garage block, where it is proposed that new parking spaces would be formed in parallel rows. A new rear entrance would be formed to upper ground floor level which would make use of the existing balcony and steps.

History of negotiations/amendments received

27-Sep-2018: Further justification for proposal.

10-Dec-2018: Plans showing vehicle swept paths submitted.

13-Dec-2018: Amended plans and elevations submitted.

10-Jan 2019: Amended vehicle swept paths (to ensure that all vehicle movements would be within the red line boundary) and heritage statement.

The above changes were not subjected to new publicity since

16-Jan-2019: Amended vehicle swept paths correcting position of access and with one fewer parking space.

The 16-Jan amendment was subjected to limited new publicity in that the third party who objected to the original plans was notified. The objector had raised a number of concerns about access issues. Internal access and parking arrangements had been subject to a number of changes by this stage and so it was considered reasonable to allow this third party the opportunity for further comment. However, as the amended plans did not raise significant new planning issues or imply an intensification of the scheme, it would have been disproportionate to notify all of the original neighbours or put up a new site notice, and so this was not done.

06-Feb-2019: Further amended vehicle swept path plans with site re-surveyed to show the correct layout of the main building and coach house. These were not subject to any further publicity – such a course of action was considered unnecessary in the circumstances since the changes were relatively minor and no new representations had been made as a result of the earlier amendment.

Relevant Planning History

1999/92711 – Change of use from flats to offices. Granted.

2009/92511, 92509 – Planning permission and Listed Building Consent for change of use of ground floor offices to 2 flats. Refused – insufficient information regarding noise levels to which the development would be subject, subdivision of original hallway. No appeal.

2010/91317 – Change of use of ground floor offices to 2 flats. Granted.

Representations

Final publicity date expires: 29-Jan-2019

One letter of representation received.

A summary of the comments received is set out below:

- Privacy – users of the proposed car park will be able to see into habitable rooms of adjacent properties;
- Loss of seclusion / quietness;

- It is an office use in an established residential area and should be inappropriate in principle unless there is a policy that specifically allows this;
- The additional residential tenants (double the number who currently use the area) will also affect privacy.
- There is no physical separation between this and the adjacent property so it will be impossible to prevent users of the site straying on to adjacent land;
- Increased public use may encourage theft and burglary because of loss of seclusion and more strangers on the premises;
- Proposed use is unclear (A2 / B1) – would more concerned about A2 because of the potential to change to A1 without planning permission;
- Layout suggests medical use;
- Parking spaces: there is not enough space to pull a car into each space, the 7 parking spaces encroach on to land owned by the adjacent property, only one car would fit at the side without displacing the existing waste storage bins, 2.5 by 5.0m is now considered too small, adjacent property (94 and 94b) would struggle to pull out past the central spaces;
- Aesthetic impact of car park;
- It will interfere with parking for nos. 92 and 94, and interfere with their access to their own properties;
- Will the parking spaces be visually marked out?
- Emergency access impeded;
- Litter, damage to surface of car park, noise pollution;
- Likely to lead to a general decline in property values (especially if more large detached dwellings are converted to flats and HMOs), leading to a likely decline in standards of maintenance because of the owners / occupiers taking less pride in the properties than owners of family dwellings would. This may mean a decline in appearance / character of Conservation Area.

Consultation Responses

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

- Highways Development Management: Amended plans acceptable.

This relates to the 16th January revision. The Highways Officer was not formally consulted on the final site plan with swept paths since it was considered that on the basis of his previous advice it did not raise any new highway issues.

- Planning Conservation & Design – Approve subject to conditions.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). 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 (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 are considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Park / New North Road Conservation Area on the UDP Proposals Map and without designation, within the Greenhead Park / New North Road Conservation Area, within the Kirklees Publication Draft Local Plan. It is a Grade II Listed Building.

LISTING DESCRIPTION

"NEW NORTH ROAD 1. 5113 (North Side) Highfield No 92 SE 1317 27/1045 II GV 2. Mid C19. Ashlar. Hipped slate roof. 2 storeys. Moulded eaves cornice on tall moulded consoles with panels in between. Cornice over ground floor. Raised quoins, alternately vermiculated on ground floor. 5 ranges of sashes, round-arched (except in centre) on 1st floor, segment headed on ground floor. Outer 4 are grouped in pairs, those on 1st floor with moulded imposts and voussoirs, keystones, shared moulded cornices, panelled jambs and plain shared plinths. Those on ground floor have moulded surrounds, keystones and consoles to cornices. Central bay breaks back slightly. Central 1st floor window has consoles to moulded cornice, with panels in between. Door with shouldered lintel, vermiculated voussoirs, moulded imposts and panels either side. Panelled door with elaborately moulded caps either side of 3 steps to door"

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas
- **EP4** – Noise-sensitive and noise-generating development
- **S1** – Town and local centres
- **H4** – Change of use of residential properties
- **T10** – Highway safety

- **T19** – Parking

Kirklees Publication Draft Local Plan (PDLP):

- **PLP13** – Town centre uses.
- **PLP21** – Highway safety
- **PLP22** – Parking
- **PLP24** – Design
- **PLP35** – 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 24th July 2018, 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 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- 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 local economy and on vitality and viability of town centres
- 3) Impact on visual amenity
- 4) Impact on residential amenity
- 5) Impact on highway safety
- 6) Other matters
- 7) Representations
- 8) Conclusion

1 – Principle of development: The site is unallocated within the Greenhead Park / New North Road Conservation Area and is a grade II Listed Building.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, where a development proposal would affect a Listed Building or its setting, have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. 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. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged.

Chapter 16 of the NPPF states that in determining applications local planning authorities should give great weight to the heritage asset's conservation. Any harm to or loss of the significance of a designated heritage asset requires clear and convincing justification. Where the development will lead to substantial harm to or total loss of significance it should not be allowed unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where the development will lead to "less than substantial harm" this should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

Also of particular relevance is NPPF chapter 7, which seeks to ensure that main town centre uses are located within existing centres, and also makes a distinction between edge of centre and out of centre sites.

Within the UDP the main relevant policies are BE1-2 (general design principles), BE5 (Conservation Areas to be conserved or enhanced), S1 (town and local centres), H4 (change of use of residential properties) and T10 and T19 (development should avoid creating or materially adding to highway safety problems and should provide sufficient parking).

The principal policies of relevance within the PDLP are PLP13, 21, 22, 24 and 35 which can be given considerable weight but largely cover the same areas of concern as the NPPF and UDP policies listed above.

2 – Impact on local economy and on vitality and viability of town centres:

Under paragraph 86 of the NPPF, local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither within an existing centre nor in accordance with an up to date plan. If it can be demonstrated that a site within a town or local centre is not available, edge-of-centre sites should be considered before out-of-centre sites. Offices are deemed a main town centre use.

The site is roughly 550m away, by the shortest possible route, from the nearest point within Huddersfield Town Centre, and roughly the same distance from Trinity Street Local Centre. Since the site is neither within 300m of a town centre boundary nor within 500m of a public transport interchange it does not fall within the standard definition of "edge of centre" within the NPPF Appendix 2 (glossary). But Appendix 2 also states that in determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

The applicant was asked to undertake a sequential test. In response, the applicant submitted the following statement of justification which in brief makes the following arguments in support of the proposal:

- It is a Grade 2 listed building in a worsening state of repair, the roof has severely leaked and the ceilings internally have been severely

damaged and in some cases collapsed. Immediate works are required to the roof to ensure no further structural damage is encountered.

- Currently 3 of the flats do not have tenants in place, meaning a half of the income is lost, the flats have been re-advertised but there has been no rental interest.
- The building has previously had a commercial use and therefore there is precedence for the use as proposed. Several of the surrounding properties have a commercial use also.
- The site is highly accessible.
- The proposed alteration of the existing building will also mean that many of the building's heritage features to this elevation repaired and reused within the proposals. This programme of repair would not happen should we not gain planning permission.

The site is on a direct bus route with a frequent service into Huddersfield Town Centre, the nearest bus stop being approximately 60m away. It is approximately 1100m from Huddersfield Railway Station. It is noted that New North Road, especially on its north-east side, has a range of commercial uses interspersed with dwelling houses and small apartment buildings. These include hotels and guest houses (no. 88), D1 (dental surgeries – 80 and 86), B1 (no. 68), and a mixed use including sui generis and possibly A2 uses at 90, all of which are in “out of centre” locations according to the 300m standard quoted above. North-west of the junction with Cemetery Road, commercial uses cease, but it remains true as a general observation that New North Road has a mixed residential and commercial character and has done for many years. Furthermore the application property has a recent history of non-residential use (see “Relevant planning history” above).

No financial evidence has been submitted to demonstrate that the proposed roof repairs would be uneconomical under continued residential use. Ensuring the most economic use of a Listed Building is of course desirable in principle, so as to maximise the funds available for its long-term maintenance, but in view of the lack of detailed evidence, only very limited weight can be placed on this factors in assessing the application.

Taking all relevant factors into account, however, including the highly accessible location, the character of the area, and the commercial use of this property in the recent past, it is considered that it would be difficult to justify a refusal on the grounds of the location being outside the Town Centre boundary or too far from it. It is considered that the site can in the circumstances be treated as edge of centre and that the change of use would support the aims of sustainable development and would not undermine the vitality or viability of the Town Centre. It would therefore be compatible with the aims of Policies S1, PLP13, and the relevant parts of the NPPF.

2A – Housing issues:

Policy H4 states that the change of use of residential properties will not normally be permitted unless:

- The area in which the property is located has changed to such an extent that it is no longer suitable for residential use;
- It is required for a community use;
- It has been identified on the Huddersfield Town Centre proposals inset for an alternative use;
- It is in accordance with policy B8 or B15

Although Policy H4 forms part of the adopted development plan, it is noted that there is no equivalent policy in the emerging Local Plan. Whilst the criteria in H4 are not met in this instance, the proposal would involve only a partial change of use of the building as a whole, and it is considered that it would not result in the loss of high-quality living accommodation or of a type that is in short supply in the local area.

Given the changing local policy context, and NPPF paragraph 118 which encourages mixed use developments as an effective use of land, it is considered this aspect of the scheme would support the aims of sustainable development and it would not be possible to justify a refusal based on the loss of the existing flats.

3 –Impact on visual amenity: The existing garages are modern structures which are considered to have no architectural merit and make no positive contribution to the character of the Conservation Area. Their removal would result in no harm to the heritage value of the building or the visual character of the wider area.

The rear annexe (which the original version of the plans would have removed) is to be retained. Most of the proposed alterations are internal and will be assessed as part of the accompanying Listed Building Consent applications. It is considered that the refurbishment of the windows should also be assessed as part of the Listed Building consent, since it is unlikely to materially affect the external appearance of the building although it will potentially affect the building's historical significance.

The alterations to the rear of the property to provide a separate rear access to the apartments on the upper floors. As the existing balcony is relatively low, a new handrail will be installed above the existing to ensure compliance with building regulations. This rail (and proposed door) should be painted black to match the existing. Historic fabric will be restored and retained with minimal intervention.

The heritage statement refers to a proposed freestanding signboard adjacent to the building on the south east boundary. This would fall within the remit of

Advertisement Consent rather than planning permission and so will not be assessed as part of this application.

It is considered that subject to the above conditions, no harm to the character or significance of the building would occur and that it would therefore comply with the aims of Policies BE1-2, BE5, PLP24 and PLP35, and with NPPF Chapter 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

4 – Impact on residential amenity: The proposed use is not one that, by its nature, is liable to generate a high level of noise. The immediate neighbouring property, no. 94, is in residential use, but is not occupied as a family dwelling – it has been subdivided into a number of separate flats similar to that of the host building. Even on the assumption that not all existing tenants or occupants in either building are car owners, it is quite likely that the overall level of activity and noise from vehicle movements would be higher than would occur if both buildings were single dwelling houses.

The applicant estimates that there would be 8 full-time employees. It is acknowledged that the change of use from residential to B1 on two of the four floors would probably give rise to a greater degree of noise and activity. But it is considered that this is not a particularly quiet or secluded location and it would be very difficult to justify a refusal on the basis that increased noise or disturbance arising from the proposed B1 use would result in a significant reduction in residential amenity to the remaining or neighbouring residential units.

In the interests of avoiding noise disturbance to the neighbouring properties that are in residential use, and minimising other possible sources of disturbance such as headlight beams shining across neighbouring land, it is recommended that hours of use be conditioned. The applicant has sought longer hours than Planning Officers are agreeable too seeking hours of 7am to 8pm Monday to Friday and 9am to 5.30pm on Saturdays. Planning Officers are agreeable to 7.30am to 7pm Monday to Friday and 9am to 5pm on Saturdays with no working on Sundays or Bank Holidays.

Planning Officers have discussed the hours informally with Environmental Health who have confirmed that a noise report would be necessary if hours greater than that sought by Planning Officers were proposed. This is due to residential flats being located directly above the proposed offices and any greater hours would need to demonstrate that there would be no adverse impact on the residential properties or to detail an appropriate mitigation measures. Planning Officers have consider the points put forward by the applicant such as seeking sufficient commercial flexibility for future tenants, however this has to be balanced against the protection of residential amenity. The hours of use allowed by this permission are considered to be sufficiently long enough to allow a B1 business to successfully operate whilst allowing residents of the flats above relief from the operation of the B1 business from

both the use of the office as well as the comings and goings to and from the site.

With regards to distances to adjacent properties, 94B has its main windows facing towards the application site at a distance of about 7.5m from the site boundary as shown on the location plan. The boundary is not marked by a fence or similar structure. The proposed change of use would probably give rise to increased activity in the area to the rear of no. 92, which is to become the car park, as a result of employees and visitors. But the site has open boundaries, so anyone crossing the hard-surfaced area to use the garages or using it to park or manoeuvre vehicles would be able to see into 94B's windows and more generally into no. 94 anyway. Again, it is noted that no. 94 has a conservatory with windows facing the site but as the site is open, privacy is compromised, and the potential for overlooking already exists. No new windows are proposed in the development – windows would only be replaced in existing openings. The side wall of no. 92 contains no windows. It is considered that any effect on privacy for the adjacent properties would be negligible and it would not be possible to substantiate a refusal on these grounds.

It is considered that as conditioned, that the change of use would not give rise to any negative impacts on residential amenity and would thereby accord with the aims of EP4 and PLP24.

5 – Impact on highway safety: The existing access to the public highway is narrower than the 4.5m normally required for an access serving multiple dwellings, but it takes access to a non-classified road which does not carry a large volume of traffic and has a footway on this side which assists in intervisibility for drivers.

Whilst it is likely that the proposal would intensify the use of the access, it is considered on balance that given the scale and nature of the use proposed, it would not be of a degree that would create or materially add to highway safety problems.

After a number of revisions, a set of plans has been submitted showing the layout of parking provision and detailed swept paths within the site. The 9 proposed staff parking spaces are just within acceptable dimensions (4.8m long and 2.4m wide) and can be accessed safely (the two rows of spaces would be 6m apart which is the minimum distance to allow sufficient room for manoeuvring). The visitor parking spaces (3 in total) are at the front and the swept path drawing demonstrates that they can be safely accessed using the land within the application site only and that users would be able to turn.

A total of 15 spaces would be provided – 9 for staff, 3 for visitors, and just 3 dedicated spaces to serve the remaining 3 flats and the Coach House. According to the recommended level of provision in UDP appendix 2, 1 space per 25sqm should be provided (10 in this instance) for B1 if the site is classed as “medium public transport accessibility”. Residential visitor parking for

developments served by informal roads (i.e. off a shared access or unadopted road) should normally be provided at 1 per 4 dwellings (1 space in this instance).

Given the highly accessible location, it is considered that 9 staff spaces will be more than sufficient to serve the B1 development. The flats would be attractive to potential tenants who are not dependant on the use of a private car, and in the event of all 3 flats being occupied by car owners, one of the visitor spaces could be used as a resident's space instead. In conclusion, 15 spaces is considered a satisfactory level of provision overall.

UDP appendix 2 recommends that the figures provided should be treated as a maximum rather than a minimum, but as this is a change of use of existing premises and would make use of an existing hard-surfaced area it is considered that a possible over-supply of parking spaces is not grounds for objection in this instance.

No 94 and 94B have no independent means of access to the highway and have to cross the site in order to access the public highway network. There is potential parking and turning space within no. 94's land – at the time of the case officer's most recent site visit, 3 vehicles were parked there with vacant space at the rear available for turning. The proposed parking arrangements would not in themselves affect parking or turning within no. 94's land, and any turning and access space within no. 92 to serve this proposed development could still be used by occupants and visitors to the neighbouring properties also. So all existing and proposed developments would be able to function without cars having to reverse on or off the highway.

Provided that all parking and access areas are marked out and appropriately surfaced, and the waste storage area, are retained and kept available for use, it is considered that the proposed change of use would not give rise to any highway safety problems and would accord with the aims of Policies PLP21-22, T10, and T19.

6 – Other matters:

Ecology:

The site is in the bat alert layer. The structures that are proposed to be demolished are considered to have no bat roost potential. The upper storeys and roof structure of the main building would not be directly affected as they do not form part of the application for change of use. It is considered in the circumstances that it would be unreasonable to request a bat survey and it will be enough to add the standard cautionary note.

Refuse storage and collection:

The current layout plans show storage areas for refuse bins against the inner edge of the highway boundary wall and would appear to show adequate provision both for the flats and for the proposed offices. It is considered that

this is adequate in capacity and it should be conditioned it is retained at all times.

Drainage:

The site will make use of existing mains drainage and it is considered that the works proposed would not have any implications for drainage or flooding as the new hardstanding would replace existing buildings.

7 – Representations: Concerns relating to parking, access and privacy have been examined in the main part of the report but are highlighted here together with other concerns raised and officer responses:

Privacy – users of the proposed car park will be able to see into habitable rooms of adjacent property;

Response: Potential impacts on privacy have been examined in part (4) of the Assessment.

Loss of seclusion / quietness;

Response: These issues are acknowledged in part (4) of the Assessment but given the nature of the location it is not considered that it would give rise to loss of amenity subject to the hours being conditioned.

It is an office use in an established residential area and should be inappropriate in principle unless there is a policy that specifically allows this;

Response: This issue has been examined in detail in part (2) of the Assessment.

The additional residential tenants (double the number who currently use the area) will also affect privacy.

Response: No additional flats are being created – there would be a net loss of residential units. The number of tenants per flat may vary over time and this is largely outside planning control.

There is no physical separation between this and the adjacent property so it will be impossible to prevent users of the site straying on to adjacent land;

Response: Trespass is a private legal issue. There is adequate manoeuvring space on the site so it should not be necessary for trespass to occur in order for the use to function. In the event of some form of boundary treatment or demarcation being required, either by the occupants of the adjacent property or by the applicants or their successors in title, any such application would be considered on its own merits.

Increased public use may encourage theft and burglary because of loss of seclusion and more strangers on the premises;

Response: This is, in principle, an understandable concern, but since the existing building already contains a number of dwellings and will inevitably have visitors, it would be difficult to demonstrate that the change of use would lead to reduced security or to substantiate this as a reason for refusal.

Proposed use is unclear (A2 / B1) – would more concerned about A2 because of the potential to change to A1 without planning permission. Layout suggests medical use;

Response: The agent has confirmed that the use is B1, not A2 and a proposals description has been amended to detail B1 and to provide clarity. “Assessment room” does not necessarily imply a medical use. In the event of the building being put to a use not authorised by this permission, this could be enforced against.

Parking spaces: There is not enough space to pull a car into each space, the 7 parking spaces encroach on to land owned by the adjacent property, only one car would fit at the side without displacing the existing waste storage bins, 2.5 by 5.0m is now considered too small, adjacent property (94 and 94b) would struggle to pull out past the central spaces;

Response: The original layout was very awkward in that the 7 spaces at the rear would probably not have had room to turn, and spaces 8-9 (in the middle of the rear car park) would have impeded access to the rearmost parking spaces, allowing only 5m for them to manoeuvre out. The swept path plans, submitted in response to Highway Officer’s concerns, change the layout, allowing more space for manoeuvring, and the final version demonstrates that there is enough room to turn.

Officers are satisfied that there would be no encroachment onto neighbouring land on the final amended layout. The agent has confirmed that all parking spaces would be within the red line boundary. The original layout would have displaced the waste storage bins, which is no longer the case.

Finally, both arrangements would have left a pathway of approximately 4m, which is considered adequate. The occupants of 94 and 94b would have room to manoeuvre on their own land.

Aesthetic impact of car park;

Response: It is considered that the aesthetic impact of forming increased hard-surfacing in place of the garage, and of more vehicles parking there, would be neutral.

It will interfere with parking for nos. 92 and 94, and interfere with their access to their own properties, and will impede emergency access;

Response: Both the original and current parking plan show that a clear access route for vehicles is maintained through to 94 and 94B and that all existing and retained dwellings would have a parking space each. There is room for emergency vehicles to park if required.

Will the parking spaces be visually marked out?

Response: A condition will require the marking out of the parking spaces to ensure the efficient operation of the parking spaces, as previously stated the arrangement provides ample space for all vehicles associated with the development to park without interfering with through routes.

Litter, damage to surface of car park, noise pollution;

Response: The proposed use is not one that by its nature is likely to give rise to littering. The potential for noise generation is limited, but it has been taken into account as set out earlier in the report. The potential for increased vehicular movements giving rise to deterioration of the car park is considered to be a private matter and therefore not taken into account as a material planning consideration.

Likely to lead to a general decline in property values (especially if more large detached dwellings are converted to flats and HMOs), leading to a likely decline in standards of maintenance because of the owners / occupiers taking less pride in the properties than owners of family dwellings would. This may mean a decline in appearance / character of Conservation Area.

Response: This is conjecture and not supported by any evidence.

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: 2018/92347

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.

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 with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, and Policy PLP24(a) and (c) of the Publication Draft Local Plan.

3. The new handrail and balustrade and any new external door installed to the upper ground floor rear entrance shall be painted black before the new upper ground floor office space is first brought into use and thereafter retained as such.

Reason: In the interests of visual amenity, to ensure that the development conserves the character of the Greenhead Park / New North Road Conservation Area and the significance of the Listed Building, and to accord with the aims of Policies BE1-2 and BE5 of the Kirklees Unitary Development Plan, Policy PLP24(a) and 35 of the Publication Draft Local Plan, and the National Planning Policy Framework – Conserving and enhancing the historic environment.

4. No activities shall be carried out within the ground floor and lower floor of the building outside the hours of 0730 to 1900 Mon-Fri, 0900 to 1700 Saturdays, with no activities on Sundays or Bank Holidays.

Reason: In the interests of ensuring that the proposed use does not give rise to loss of amenity to neighbouring properties arising from noise or disturbance at unsociable hours, and to accord with the aims of Policy EP4 of the Unitary Development Plan and Policy PLP52 of the Publication Draft Local Plan.

5. The upper floor office space hereby approved shall not be brought into use until all areas indicated to be used for the parking and manoeuvring of vehicles on the approved plan Dwg. No. 00-04 Rev a have been marked out and laid out with a hardened and drained surface. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the

parking and manoeuvring of vehicles for users of the whole building at all times.

Reason: To ensure adequate space within the site for vehicle movements and parking in the interests of amenity and traffic safety and to accord with the aims of Policies T10 and T19 of the Unitary Development Plan and PLP21-22 of the Publication Draft Local Plan.

6. The areas shown on the approved site plans for the storage of wastes shall be retained at all times and kept clear of all obstructions to its use.

Reason: To ensure adequate space within the site for the safe storage and disposal of waste in the interests of highway safety and visual amenity, and to accord with the aims of Policies BE1-2, T10 and T19 of the Unitary Development Plan and PLP21-22 and 24(d(vi)) of the Publication Draft Local Plan.

NOTE:

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: The Council's Environment Officer has commented that 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.

NOTE: This planning permission should be read in conjunction with the listed building consent 2018/92348.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			07-Aug-2018

Plan Type	Reference	Version	Date Received
Heritage statement		A	10-Jan-2019
Heritage statement		B	11-Jan-2019
Supporting information			27-Sep-2018
Location plan, floorplans and rear elevation as existing	0060-00-01		07-Aug-2018
Floorplans and rear elevation as proposed	0060-00-02	C	10-Jan-2019
Site layout as proposed	00-04	A	06-Feb-2019

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 undertook negotiations with the applicant to secure amendments to the plans, including the retention of the old rear extension, and detailed plans showing parking arrangements and vehicle paths, to ensure that the development conserved the heritage value of the building and that safe parking and access arrangements within the site would be secured.

Report Dated: 18-Feb-2019