

**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: 2018/62/92388/W

Site Address: 151, Trinity Street, Huddersfield, HD1 4DZ

Description: Change of use of communal living room to residential unit (Listed Building within a Conservation Area)

Recommending Officer: Francis Davies

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: 18-Sep-2018

Officer Report

Reference: 2018/92388

Proposal: Change of use of communal living room to residential unit
(Listed Building within a conservations area)

Location: 151 Trinity Street, Huddersfield, HD1 4DZ

Site Description

The application site is a two storey, stone building, Grade II listed mid-terrace property currently used as a multiple occupancy dwelling (2016/93677). The dwelling has bay windows at the front with a small garden, enclosed by a stone boundary wall. A larger garden is provided to the rear which is enclosed by a half boundary wall and section of fencing. The rear garden is accessed via Back Trinity street which serves all the dwellings in this row of properties. Accommodation is proposed across 4 floors, which offers accommodation over each floor as well as a communal kitchen in the basement.

Dwellings along Trinity Street step down with the prevailing topography, with no.153 lower than the application property. Most of the dwellings in the row would appear to have had stones cleaned although the application dwellings is distinctive in that it has a blackened exterior. Trinity street is a wide road leading from the Marsh area into the Town centre with permit parking bays either side of the main road.

Description of Proposal

The application was granted planning permission to convert the original property into a multiple-occupancy dwelling, consisting of 6 residential units under permission 2016/93677. The current application seeks to convert the previously approved basement dining and communal lounge area to a 7th bedroom. Similar to other bedrooms the proposed would be served by a small en-suite shower room and a large window installed in the rear elevation of the dwelling.

History of negotiations

No negotiations were held regarding this application. The proposed development was considered acceptable as originally submitted.

Relevant Planning History

2018/92319 – Listed Building Consent for alterations to convert communal living room to residential unit (within a Conservation Area) – Pending Consideration

2016/93677 – Alterations to convert one dwelling to 6 residential units (Listed Building within a Conservation Area) (Conditional Full Permission)

2016/93678 – Listed Building consent for alterations to convert on dwelling to 6 residential units (within a Conservation Area) (Consent Granted)

2017/94071 – Discharge condition 3 (Planning Report) and 5. (Joinery detail) on previous permission no. 2016/93678 for Listed Building Consent for alteration to convert one dwelling to 6 residential units (within a Conservation Area) (Discharge of Conditions Approved)

Representations

Final publicity date Expires: 27th August 2018

One public representation was received in respect of this application. A summary of the comments received is set out below:

- There is no parking available on this road and takeaways are too busy and cause problems all the time. There are already a large number of takeaways which emit unpleasant odours preventing the objector from opening their windows and have bins outside. The objector does not want any more takeaways.

Consultation Responses

No consultations were sought regarding this application.

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 is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and remains unallocated on Kirklees Publication Draft Local Plan. The application dwelling is located within the Greenhead Park / New North Road conservation area.

- Access considerations - None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design
- BE2 – Quality of Design
- BE5 – Development within a Conservation Area
- TC20 – Buildings of Character in the Town Centre
- T10 – Highway Safety
- T19 – Parking Standards
- EP4 – Noise Sensitive Properties
- H1 – Housing Needs of the district

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving sustainable development
- PLP2 – Place shaping
- PLP11 – Housing mix and affordable housing
- PLP21 – Highway Safety and Access
- PLP22 – Parking
- PLP24 – Design
- PLP35 – Historic Environment
- PLP52 – Protection and improvement of environmental quality

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 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other Guidance

Technical housing standards – nationally described space standards

Assessment

The application seeks planning permission for the conversion of a communal dining / lounge area to a 7th bedroom. An allied application for listed building consent will assess the impact of the development on the listed building in detail and has been submitted under application number 2018/92319.

Principle of Development

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states;

'Planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]'

All these considerations are addressed later in this assessment.

Design and Heritage

The design and heritage impact of the development is an important consideration in respect of this application given that the dwelling is a Grade II listed building and is located within Greenhead Park/New North Road Conservation Area.

As such policies D2, BE1, BE2, BE5 and TC20 of the UDP and guidance within Chapter 12 and Chapter 16 of the NPPF are key considerations, particularly given the listed nature of the building and location within a conservation area. This guidance is reflected in Policies PLP24 and PLP35 of the publication draft Local Plan.

All these policies seek to achieve good design that retains a sense of local identity, is in keeping with the scale of development in the local area, is visually attractive and preserves or enhances the character or appearance of the Conservation Area and the listed building.

In addition, sections 66 and sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 need to be considered due to the property being listed and located in a Conservation area. The legislation sets out a general duty for the preservation of listed buildings and that the preservation or enhancement of a conservation areas must be given special attention. The building forms part of a group listing which covers nos. 141 – 161. The listed description is as follows:

TRINITY STREET 1. 5113 (South Side) Highfield No 141 to 161 (odd) SE 1317 27/1290 II GV 2. Mid C19. Ashlar. Pitched slate roof. Moulded eaves cornice. Blocking course. 2 storeys. 2 ranges of sashes each, Nos 151 and 161 with moulded surrounds. Ground floor canted bays with Tuscan piers, moulded cornices, blocking courses and acroteria. Doors with moulded panels (No 145's with fanlight) framed by Tuscan pilasters, full entablatures and blocking courses, except for Nos 145, 147 and 149's which have stone frames, moulded cornices and blocking courses. Passage entrances (except for Nos 141, 157 and 159) with moulded voussoirs and imposts (No 161 is blocked).

There is no appraisal for Greenhead Park / New North Road Conservation Area however a character assessment is set out in the UDP which states:

Victorian terraces and villas surrounding a large contemporary public park with an impressive war memorial. Trinity Street and New North Road are important radial routes into Huddersfield, lined by mainly ashlar stone faced terraced and detached dwellings, and public buildings including the prominent Holy Trinity Church. Also includes Highfields, an earlier area of mainly nineteenth century or older housing of considerable charm.

In terms of heritage impact it is advised that the proposed conversion of a communal dining / lounge area would make use of the existing layout with only minor alterations to the layout approved under planning permission 2016/93677 and listed building consent 2016/93678. Where alterations are proposed these would be the introduction of stud walls to divide the store/ services room creating an en-suite area and the formation of an opening between the kitchen and revised store / services area. However, the above changes are considered to be minor in the context of the 2016 permissions and are believed to result in less than substantial harm as the rest of the building would remain as previously approved.

Where less than substantial harm occurs then this should be balanced against the public benefit. In the instance of this application it is advised that the applicant is Kirklees Community Association (KCA) a registered charity and limited company offering housing to vulnerable adults. Rooms within this particular dwelling are offered to serve a particular need.

On-balance, given the above assessment it is deemed that the proposed minor alterations are considered acceptable and justified when weighed against the provision of an additional bedroom. The application in respect of design and heritage is therefore considered acceptable, complying with Policies D2, BE1, BE2, BE5 and TC20 of the Unitary Development Plan (UDP), Policies PLP24 and PLP35 of the publication draft Local Plan and guidance contained within Chapters 2, 12 and 16 of the National Planning Policy Framework (NPPF).

Impact on Residential Amenity

The impact of the proposed development needs to be considered in relation to surrounding properties and the residential amenity experienced by future occupiers. Guidance offered in Policies D2, BE1, BE12 and EP4 of the UDP, Policies PLP24 of the PDLP and information contained within Chapter 15 of the NPPF are particularly important in this regard.

Surrounding Dwellings

The proposed 7th bedroom would make use of an existing lightwell window, facing out onto the rear garden space of the dwelling. It is advised that, owing to the location of the window at the lower ground floor it does not share a direct relationship with any other dwelling. As such the bedroom window does

not offer any overlooking views of neighbouring properties nor do neighbouring properties overlook the proposed bedroom window. It is also advised that the dwelling is split level whereby the rear garden is set down slightly. As such more of the basement window is above ground level allowing for an acceptable amount of natural light so as not to detract from the amenity offered to its occupier. Furthermore, while the application seeks to introduce an additional bedroom this is not believed to result in such an intensification so as cause undue harm in terms of noise disturbance to surrounding residents.

On the basis of the above the application is not considered to have a detrimental impact on the residential amenity currently enjoyed by occupiers of surrounding dwellings thereby complying with Policies D2, BE1, BE12 and EP4 of the UDP, Policy PLP24 of the PDLP and guidance contained within the NPPF.

Future Occupiers

In the 2016 permission considerable consideration was given to the size of the then proposed self-contained rooms within the building. In respect of this the officers report advised that all but one of the proposed rooms fell considerably short of the space standards set out in guidance offered by the DCLG. However, in light of communal living space being provided at the lower (basement) level the flat sizes were on balance considered acceptable.

However, following a site visit by planning officers and the submission of new floor plans it is clear that the kitchen areas of each flat was never implemented. Rather the rooms offered are not self-contained having only an en-suite. As such the bedrooms are now considered to offer the occupants more useable living space. Although it is noted that kitchenettes could be installed under the extant 2016 permission this is considered to be unlikely given the provision of a large lower ground floor communal kitchen area.

In addition to the above planning officers have also taken into consideration the public benefit, whereby the accommodation would serve a particular requirement.

Considering the identified need, subsequently revised proposal whereby flats are no longer self-contained and that occupants would retain access to a communal kitchen the proposal to create a 7th bedroom is considered acceptable. The application is therefore assessed as complying with Policies D2 and BE1 of the UDP, Policy PLP24 of the PDLP and guidance in the NPPF.

Highway Safety

The application does not propose any change to the parking or access arrangements considered acceptable under the 2016 permission. While the application does propose an additional bedroom, it is not believed that this would result in the need for additional parking provision, particularly given the

location of the dwelling, located close to Huddersfield town centre and Marsh town centre. As such the application is deemed to be acceptable, complying with Policies T10 and T19 of the UDP and Policy PLP21 of the PDLF.

Representations

One public representation was received in relation to this application. The comments made are individually considered below:

- The is absolutely no parking on Trinity Street and smelly takeaways resulting in congestion causing problems with cars coming and going at all times

Comment: The application seeks to offer an additional bedroom (7th). Given the sustainable location of the dwelling and existing parking and access agreements the application is not believed to give rise to unacceptable highway safety concerns.

- There are already smelly takeaway shops with bins outside. I can smell curry from my flat all the time and can't open my windows. We do not want any more

Comment: The application does not related to a fast foot takeaway but rather the conversion of an internal communal space to a bedroom.

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: 2018/92388

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, as amended by the Planning and Compulsory Purchase Order 2004.

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 in the interest of the protection of the historic interest and importance of the listed building, and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the publication draft Local Plan and guidance contained within in Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	WYK718860	-	23rd July 2018
Proposed Conversion Basement room to additional Residential Unit	04	-	23rd July 2018
Design and Heritage Statement	July 2018	-	23rd July 2018
Proposed conversion basement room to additional residential unit – Plans as approved	05	-	23rd July 2018

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 negotiations were held regarding this application. The scheme was considered acceptable as originally submitted.

Report Dated:

17/09/2018