

**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: 2018/62/93980/W

Site Address: 12, Cambridge Road, Huddersfield, HD1 5BU

Description: Change of use from house of multiple occupation to guest house and formation of dormers to rear

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: 19-Jun-2019

Officer Report

Site Description

The site comprises a large two-storey mid-terrace dwelling which has living accommodation in the basement and attic. It has a small enclosed front yard and a larger garden at the rear beyond which is a shared access track. It is externally faced in stone and has a blue slate roof. It forms part of a row of houses with similar appearance. The land on the opposite side of the road is a car park.

Description of Proposal

The proposal is for the change of use of the property from a 10-bedroom house in multiple occupancy to a guest house, and the formation of dormers to the rear. The plans indicate there would be an office, laundry and storage in the basement, 3 bedrooms each at ground and first floor and 2 on the second floor. The latest version of the plans show no lounge or kitchen and the agent has confirmed that no meals would be provided, nor would there be any self-catering facilities. The applicant's covering letter provided a link to an accommodation finder website which says that it has a shared kitchen and lounge and that breakfast is provided, but the latest plans, submitted in March, presumably reflect the applicant's future intentions for the property.

The change of use was commenced roughly 6 months before the application date.

The twin dormers would each have a double pitched roof, with only minimal clearance (about 100mm) above the gutter line and below the ridge. The roofing materials and the cladding materials for the dormer would match the existing building.

History of negotiations/amendments received

21-Feb-2019: Amended floorplans submitted.

06-Mar-2019: Further information about noise management submitted.

11-Mar-2019: Full set of floorplans submitted.

29-Apr-2019: Amended noise management plan submitted.

The noise management plans were not subjected to formal publicity since it was considered that they did not raise substantial new issues. But the application was eventually re-advertised because the amended plans involved forming dormer extensions which was not part of the original description.

Relevant Planning History

COMP/18/0261 – Alleged unauthorised change of use. Retrospective planning permission put in.

Representations

Final publicity date expires: 14-Jun-2019.

One representation made, objecting.

A summary of the comments received is set out below:

- It has already caused significant disruption to neighbours, including residents parking in Permit areas outside 2-20 Cambridge Road, and in less secure locations across the road.
- Noise, including from guests arriving very late in the evening, from stag parties, etc.

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 – No objection.
- Environmental Health – No objection subject to approved noise management plan being adhered to.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is without designation on the Kirklees Local Plan. There is a Housing allocation on the opposite side of Cambridge Road.

As the proposal is a change of use only it is considered it does not raise Equality Act considerations.

Kirklees Local Plan (LP):

- **PLP24** – Design
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **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 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: The site is within land that is without designation on the Kirklees Local Plan.

The Local Plan does not contain any policies specifically concerning guest or visitor accommodation or the loss of existing residential units to other uses.

The change of use, if approved, will in the loss of an existing house in multiple occupancy, but it is considered that this is not a significant loss to the local housing stock as it does not represent high quality living accommodation or a type that is in short supply.

The proposal will therefore be considered having regard to any impacts on amenity, highway safety and other material considerations, in accordance with the aims of the LP and NPPF policies referred to above.

2 – Impact on visual amenity: An earlier amendment showed a large box dormer formed to the rear. This would have been unsightly and out of keeping with the row, which at present has an unaltered roofline at the rear. This being a large HMO, not a dwelling house, there is no fall-back position for roof extensions under permitted development rights, so any such scheme must be assessed on its own merits.

The plans have been altered to show a pair of dormers with pitched roofs. It is considered that these would respect the appearance and character of the existing building. The agent has confirmed that the cheeks are tile clad. This is considered acceptable as long as a suitable material (blue slate or imitation blue slate) are used.

Subject to the above it would conserve the visual amenity of the area and be in accordance with the aims of PLP24(a).

3 – Impact on residential amenity: A change of use from an HMO to a guest house will not necessarily, in itself, imply a higher level of noise or activity than before. However, this depends to a large extent on the behaviour of guests. In cases where holiday accommodation is let out to large groups, guests may stay up until early in the morning, re-enter the property at unsociable hours, or play loud music. This may have a significant impact on other properties in the vicinity of the site and it is therefore important to consider how to prevent such occurrences or mitigate them.

The applicant's Noise Management Plan contains, in brief, the following measures aimed at ensuring that the change of use does not harm residential amenity:

- Deliveries only on weekdays and after 9am or after 5pm;
- No check-ins after 8pm;
- No group bookings;
- A procedure for logging complaints and subsequent monitoring.

The provision that guests cannot check in after 2000 hours "except by prior arrangement" as it says in the management plan would not be precise enough to enforce; on the other hand, a condition that there be no check-ins after 2000 under any circumstances would be unreasonable as it would probably not give the guest house enough flexibility to operate. However, it is assumed that in the normal course of events most guests will check in between mid-afternoon and late evening, with very few arriving after midnight. In any case the process of guest arrival and check-in is not in itself likely to be a significant generator of noise and the Environmental Health officer has not flagged up this in particular as being a cause for concern.

It is considered that based on Environmental Health advice, the noise management plan is a reasonable way of ensuring that excessive noise does not occur. It should be imposed as a condition that the premises operate in accordance with the noise management plan. Deliveries (e.g. of bed linen) are not expected to give rise to a high level of disturbance given scale of the proposed use, but could cause some disturbance if at unsociable hours. To give a greater degree of flexibility it is considered that the hours for deliveries can include Saturdays and Sundays (in practice this may be necessary because of the need to pick up or drop off bed linen when guests check out on a Sunday), as long as they are restricted to the hours specified (0900 until 1700).

As a further precautionary measure, not part of the submitted noise management plan, it is recommended it should be conditioned that guests are not permitted to use the gardens except between the hours of 0800 and 2200

Monday-Saturday, and between 1000 and 2100 hours Sundays and Bank Holidays, since noise from people using the gardens is likely to carry further and be more intrusive than noise from within the rooms. A cessation of garden use at 2100 weekdays was originally proposed to the applicant, but in subsequent discussion with the case officer, the Environmental Health Officer said that 2200 would be more appropriate.

In the unlikely event of the guest house giving rise to excessive noise despite the noise management plan, this can be addressed as a statutory nuisance under Environmental Health legislation.

In conclusion, it is considered that as conditioned the development would accord with the aims of Policy PLP52 and NPPF Chapter 15.

4 – Impact on highway safety: In some cases a guest house may accommodate long-term residents (who are likely to be low-income and lack the use of a private car). This application, however, is being determined on the assumption that most people staying at the guest house will be short-term visitors from outside Huddersfield. The site is reasonably accessible, being approximately 700m by road from the Huddersfield railway station and bus station, but still it is likely that a high proportion of guests will arrive by private car.

There is no designated private parking within the site. On both sides of Cambridge Road there are traffic regulation orders (permit holders only bays on the north side, a smaller permit holders' lay-by on the opposite side). This applies generally to the local road network in this part of Huddersfield, with either permit zones or double or single yellow lines to restrict uncontrolled parking.

There is a public pay and display car park opposite the site comprising 10 spaces accessed off Cambridge Road, and a much larger car park adjacent to this, accessed off the lower part of Cambridge Road. It should be noted that in the Local Plan these areas form a housing allocation and so their long-term availability cannot be relied upon. There are however another 7 pay-and-display parking bays along the lower part of Cambridge Road, which are not part of the allocation and would, in all probability, not be affected by any future housing development.

One of grounds of objection to this application is that guests are parking in spaces that are reserved for permit holders. It is recognised that this problem could occasionally occur even if there are alternatives available, because some guests will want to park as close to the accommodation as possible, for convenience and to avoid paying parking fees. In the absence of objective evidence that this is occurring, and since misuse of permit spaces can be enforced by means other than through the planning system, it is considered on balance that it would be difficult to defend a refusal on this basis.

In conclusion, it is considered that the use of the property as a guest house would not lead to an increase in parking that cannot be safely accommodated close to the site, or to any other highway safety problems, and is thereby judged to be compliant with the aims of Policies PLP21-22.

5 – Other matters: The site is in the bat alert layer but from an external viewing it seems unlikely that the building will have bat roost potential, and in any case the attic has already been converted to habitable space. The standard precautionary note will be placed on the decision notice.

The development is not considered to raise any material planning issues.

6 – Representations: Concerns relating to noise disturbance and parking have been examined in the main part of the Assessment but are highlighted here together with officer responses.

A summary of the comments received is set out below:

- It has already caused significant disruption to neighbours, including residents parking in Permit areas outside 2-20 Cambridge Road, and in less secure locations across the road.

Response: This concern has been examined in part (4) of the Assessment. It is considered that this would not amount to a reason to refuse the application.

- Noise, including from guests arriving very late in the evening, from stag parties, etc.

Response: This concern has been examined in part (3) of the Assessment. It is considered that potential sources of noise can be managed so as not to harm amenity.

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: 2019/93980

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 Policy LP24 of the Local Plan.

3. Facing materials for the dormer cheeks and roofs shall be blue slate or imitation blue slate of a colour and texture to match that used on the existing dwelling.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Local Plan.

4. The guest house shall operate at all times in full accordance with the approved Noise Management Plan. For the avoidance of doubt, no deliveries to or collections of items from the premises shall take place outside the hours of 0900 to 1700 on any day.

Reason: So as to ensure that the guest house does not give rise to loss of amenity to residential properties in the vicinity of the site by reason of noise disturbance, and to accord with the aims of Policy LP52 of the Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Guests shall not be permitted to use any of the outdoor amenity areas of the property (gardens or yards, whether at the front or rear) except between the hours of 0800 to 2200 Monday-Saturday, and between 1000 to 2100 hours Sundays and Bank Holidays.

Reason: So as to ensure that the guest house does not give rise to loss of amenity to residential properties in the vicinity of the site by reason of noise disturbance at unsociable hours, and to accord with the aims of Policy LP52 of the Local Plan and Chapter 15 of the National Planning Policy Framework.

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			10-Dec-2019
Location plan			10-Dec-2019
Covering letter			10-Dec-2019
Existing and proposed plans and elevations	CR/PL/XIX/001	A	20-May-2019
Noise management plan			29-Apr-2019
Noise management plan – supplementary information			13-May-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 requested the applicant submit noise management plan to ensure that there would be no adverse impact on residential amenity arising from noise, and amended plans modifying the large rear dormer originally proposed.

Report Dated: 19-Jun-2019

