# 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:** | 2019/62/93485/W |
| **Site Address:** | 57B, Westgate, Almondbury, Huddersfield, HD5 8XF |
| **Description:** | Change of use from A1 to B1 (offices) and installation of replacement door and window (within a Conservation Area) |
| **Recommending Officer:** | Danielle Cooper |

**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: 24-Jan-2020**

# Officer Report

## Site Description

57b Westgate, Almondbury, Huddersfield is a traditional two storey property, constructed from stone with a stone slate gabled roof. The window and door reveals are supported with cut stone lintels and cills. The existing windows and doors are a mix of white upvc with the ground floor window painted with a green finish. The dwelling is attached to no. 57a which is accessed to the rear of the host dwelling. The site is situated just out-side of the Almondbury district centre and is located amongst commercial and residential properties which are of a mix in regards to their character, style and design. The application site is located within the Almondbury conservation area.

## Description of Proposal

Permission is sought for change of use from A1 to B1 (residential offices) and the installation of replacement door and window.

## History of negotiations/amendments received

None

## Relevant Planning History

None

## Representations

The application was publicised by site notice and neighbour notification letter

Final publicity date Expires: 02/01/20

No representations were received

## Consultation Responses

As there is no on-site parking, Highways Development Management were consulted.

*Highways Development Management* – No objection

## 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 unallocated on the Kirklees Local Plan.

**Kirklees Local Plan (LP):**

- **LP1 Achieving sustainable development**
- **LP2 Place Shaping**
- **LP13 Town centre uses**
- **LP21 Highway safety and access**
- **LP22 Parking**
- **LP24 Design**
- **LP35 Historic Environment**
- **LP52 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 16 – Conserving and enhancing the historic environment

**Assessment**
The following matters are considered in the assessment below
1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

**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 NPPF.

Policy LP1 goes on further to stating that “the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Chapter 2 of the NPPF 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 NPPF. Chapter 2 of the NPPF goes on further to state that:

“to support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment”. As well as “making effective use of land”.

The proposal forms a main town centre use and is within the Almondbury Conservation Area. The impact of the development on the town centre, the designated heritage assets, residential amenity, highway safety and all material planning considerations will be assessed.

**Town Centre Impact**

Policy LP13 in relation to town centres, sets out the requirement for main town centre uses to be located within defined centres and when such uses come forward outside defined centres that the sequential approach should be followed.

In this instance the proposed office is to be located in a former A1 retail shop, also a main town centre use. The site is located 168 metres outside of the Almondbury District centre and is therefore designed as being an edge of centre location. The site, whilst not located within the defined centre, is located amongst other main town centre uses along Westgate, including a drinking establishment, a beauty clinic, hot food takeaway and a hair dressers. Although the proposed office would operate slightly different to the existing A1 use, it has been assessed that this change of use would not intensify the use of the application site. It should be stated that the proposal would be bringing a currently vacant building back into use near Almondbury Town Centre.

The above circumstances combined with the small scale of the site at 27 square metres and the sites edge of centre location amongst other town centre uses, is considered to represent sufficient information for the development in this instance to pass the sequential test and accord with the requirements of Policy LP13.

**Design and Heritage**

The site is located within the Almondbury Conservation area. National policy sets out guidance for development in the conservation area. Paragraph 193 of Chapter 16 of the NPPF states ‘when considering the potential impact that the proposal shall have on the area, great weight should be given to the assets conservation. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a statutory duty for LPAs to preserve and enhance conservation areas section 66 sets out the importance of listed buildings and their setting.

Local plan policy LP35 echoes the intentions of the NPPF, LP35 reads as "development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm".

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps development acceptable to communities'.

The applicant seeks to alter the external appearance of the host property by replacing the front door and window opening. The scheme proposes to replace the existing white upvc door with a six-panel timber composite door and frame with a grey painted finish. In addition the scheme seeks to reinstate a central stone mullion with two sash cord windows, with an off-white finish in the ground floor. The proposed improvements have been considered to keep in with the traditional character of the host property and improve the visual amenity within the street scene, and the setting of the adjacent listed building. As such the proposed alterations of the door and window have been considered to enhance the significance of designated heritage assets and represent a public benefit brought about by the development. Therefore the proposal would accord with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

This has taken into account the Council's duties under Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990.

**Impact on residential amenity:**

The application site is surrounded by a mixed-use of properties which vary from residential to commercial. Given that the change of use is for a small business, it has been considered that this use is not likely to have any detrimental impact on any neighbouring occupants. Class B1 uses, by definition, should not lead to detriment to residents. The exterior appearance of the building will change due to the replacement of the window and door on the front elevation but this would have no material impact on surrounding properties.

Given the nature of the proposal the impact from noise pollution within the immediate area has been considered. As office space will be run on a small scale it has been considered that the proposal would not result in noise pollution and no mitigation measures would be required to allow such a use to operate from this building. The development would comply with policy LP52.

For the reason's set out above, it is considered that the proposal is acceptable in respect on residential amenity and against LP24 & LP52.

**Impact on highway safety:**

In regards to the proposed change of use intensifying the impact on highway safety, it has been considered that as the proposed change of use is of a small scale and the office is intended for the applicants use only - as confirmed from Highways Development Management who stated that they have no objection to the proposal. It has been considered that although the application site has no off-street parking provision, the 'office' use would not have any adverse impact on highway safety. A similar impact would result from occupation of the building for a variety of different uses.

**Other Matters:**

*Biodiversity* – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been received from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. The existing roof is well sealed with no gaps or cervices. However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

*Climate change credentials* - 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.

In this instance the applicant seeks to bring back to use a currently vacant building and to improve and replace the existing upvc windows and doors with timber frames. As such timber frames are a sustainable product that act as an effective source of double glazing, therefore this use of material is environmentally friendly.

*Bin collection and waste storage* – The applicant provided a photograph of where the bin will be kept. The photo showed the bins tucked behind the side elevation of the building. Neighbouring properties also store there bins here and is accessible by refuse collection. Whilst the officer was on site, the location of the bins was considered acceptable and would cause any detrimental impact on the visual amenity of the immediate area.

**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**: 2019/93485

**Officer Recommendation**: Full Conditional Approval

**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 protect the historic importance of Almondbury Conservation Area and the setting of listed buildings and to accord Policies LP24 and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

**NOTE:** The Council's GIS system indicates 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 to 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. Whilst the officer was on site, the dwelling appeared well sealed along the eaves.

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 |
|---|---|---|---|
| Location Plan | - | 1 | 24/10/19 |
| Grouped Plans and Elevations | 3342 (0-) 01 | 1 | 28/11/19 |
| Conservation/Heritage Statement | - | 1 | 28/11/19 |
| Details – Proposed Door | - | 1 | 24/10/19 |
| Details – Proposed Window Style | - | 1 | 24/10/19 |

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 have been sought as it was considered that the application was acceptable in its submitted format.

**Report Dated:** 24.01.20