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:	2020/62/90213/W
Site Address:	132, Trinity Street, Huddersfield, HD1 4DT
Description:	Conversion of dwelling to create house of multiple occupancy (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 01-Jun-2020

Officer Report

Site Description

132 Trinity Street is a substantial semi-detached dwelling (the right-hand half of a pair) of two storeys with an attic and basement, built in stone with a blue slate roof. It has a small front yard and an extensive back garden. It is set in a residential area opposite Greenhead Park.

Description of Proposal

The proposal is for the conversion of a dwelling house to a house in multiple occupancy. It is proposed it would comprise 8 bedrooms, a living room and dining-kitchen over 3 floors including attic. The use of the basement, on the latest plans, is unspecified but it appears that it would not be converted to living accommodation.

The existing layout shows 6 bedrooms at first and attic floor, with a kitchen and reception rooms at ground floor.

No external physical alterations are proposed.

History of negotiations/amendments received

30-Apr-2020: Amended plans submitted showing the basement retained unchanged instead of being converted to living accommodation.

19, 26-May-2020: Minor changes to internal layout.

The plans were not subjected to new publicity because it was considered that the changes did not raise substantial new planning issues.

Relevant Planning History

2020/90214 – Listed building consent for conversion to house in multiple occupancy. Awaiting determination.

Representations

Final publicity date expires: 24-Feb-2020 – publicity by site notice, neighbour letter and press advertisement.

No representations made.

Consultation Responses

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

- Highways Development Management – No objection subject to condition.
- Planning (Conservation & Design) – No objection subject to condition.

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 in Greenhead Park / New North Road Conservation Area on the Kirklees Local Plan. It is a Grade II Listed Building.

As it is a conversion of an existing building it is considered it does not raise access or other Equality Act considerations.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7**: Efficient and effective use of land and buildings
- **LP 21:** Highway safety and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 35**: Heritage
- **LP 52**: 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
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment
The following matters are considered in the assessment below –

1) Principle of development
1) Impact on local economy and function of District Centre
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations

1 – Principle of development: The site is within Greenhead Park / New North Road Conservation Area on the UDP Proposals Map and is a Grade II Listed Building.

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

Policy LP1 of the Local Plan 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. LP1 goes on further to stating that:

“The council will always work pro-actively 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 5 of the NPPF clearly identifies that Local Authority’s should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. The Local Planning Authority can demonstrate a five year land supply. The change of use of this building to an HMO would potentially contribute to the housing supply in the district although since it is a change of use of an existing building without any net increase in floorspace only limited weight should be placed on this factor. The provision of housing in any case needs to be balanced against all policies and material planning considerations including the NPPF chapters 15 and 16, and the Local Plan policies below:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.

- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP35 – The significance of heritage assets must be preserved or enhanced.
- LP52 – Potential pollution impacts must be considered at the planning stage.

2 –Impact on visual amenity: The plans, as revised, do not involve conversion of the basement and therefore will not involve the formation of a new basement window, which was the only external change shown on the original plan.

The applicant's agent has confirmed that no replacement of existing windows would form part of the proposal, and in the case officer's view this appears to match what is shown on the drawings. Any internal alterations will be assessed under the Listed Building Consent application.

The proposed development would therefore comply with the aims of LP24(a). It is considered it would not adversely affect the character or significance of the Conservation Area. By helping to generate a long-term income stream for the building, it would in principle assist in the building's long-term conservation, thereby supporting the aims of LP35 and NPPF Chapter 16.

3 – Impact on residential amenity: The proposed development, since it would not involve extensions or the formation of new windows, would not result in any additional impact upon neighbouring properties by reason of privacy, light, or overbearing impact.

Living accommodation within the property (especially the front-facing rooms) would be subjected to higher than average levels of traffic noise. For a new build or a conversion from non-residential to residential use, the local planning authority would be justified in seeking an acoustic report and possible mitigation measures. But as the building is already in residential use and has noise-sensitive accommodation (including bedrooms) facing the highway, it is considered that such a measure would be disproportionate in this instance.

The size of the rooms and overall floorspace would be in excess of what is required under the Nationally Described Space Standards. A larger kitchen and living area might ideally be preferable for 8 bedrooms, but it would be difficult to justify a refusal on this basis given that standards for larger HMOs

are set out under other legislation (the licensing regime) and the planning system should not attempt to duplicate controls.

The plans as modified do not involve the creation of basement accommodation. The bedrooms are of an acceptable size under the Nationally Described Space Standards and would have adequate light and outlook.

It is considered that the development would allow an acceptable level of amenity for future occupants whilst not compromising that of other properties and thereby accord with the aims of Policy LP24b.

For the avoidance of doubt and to retain adequate planning control over the site, it should be subject to a condition limiting the number of bedrooms to 8 so as to ensure that further bedrooms are not created in the basement. This shall be worded to confirm the basement is not to include bedrooms or habitable accommodation.

4 – Impact on highway safety: No parking provision exists within the site, and the parking bays immediately outside are covered by a limited waiting Traffic Regulation Order.

The proposal represents an intensification compared to the existing use. Given its highly central sustainable location, close to Huddersfield Town Centre and on a bus route, it is considered that it would be suitable for residents who do not own cars and that the lack of parking opportunities is not a cause for concern.

The development does not incorporate formal provision for cycle storage but pedal cycles could be kept in the basement since this is not going to be used for living accommodation, or alternatively other provision could be made within the rear garden.

The intensification of the use would, it is expected, give rise to increased refuse generation. It appears that there would be room for additional bins at the rear of the property which could be wheeled to the front for collection as they are now, via the adjacent driveway, part of which is shown as being within the application site. The plans do not show a bin presentation point. It is considered notwithstanding that there would probably be a greater number of bins, it would be difficult to demonstrate that they would give rise to a materially greater obstruction to the highway than exists already, and on balance it is considered that a pre-commencement condition requiring further details would not be justified.

In conclusion the development would not interfere with highway safety or the convenience of highway users and would accord with the aims of LP21-22.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but on the basis of an external viewing is unlikely to have bat roost potential. In any case the proposal is for change of use and without significant structural alterations. No survey work is considered necessary. The standard precautionary note will be added.

Climate Change:
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 has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects.

It is noted however that the site is appropriately situated for ensuring that future residents would be able to rely on means of transport other than the private car, and would create additional living accommodation within the envelope of an existing building.

It is therefore considered that the development demonstrates acceptable levels of sustainability from the point of view of promoting carbon reduction.

6 – Representations: No representations have been made.

7. 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: 2020/90213

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. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no part of the basement shall be converted to bedrooms or other habitable rooms including at any time in the future.
Reason: So as to maintain adequate planning control over the property in order to ensure that all future residents have adequate light and outlook in the interests of residential amenity, and to accord with the aims of Policy LP24(b) of the Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: Bats. 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			27-Jan-2020

Plan Type	Reference	Version	Date Received
Heritage statement			27-Jan-2020
Location plan			27-Jan-2020
Existing plans and elevations	2018049(0-)01		19-May-2020
Proposed floorplans	2018049(0-)02	A	26-May-2020
Proposed elevations	2018049(0-)03	A	30-Apr-2020

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 amended plans without living accommodation in the basement, in the interests of residential amenity, and with other changes to internal alteration in the interests of conserving the significance of the Listed Building.

Report Dated: 01-Jun-2020