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:	2020/62/92271/W
Site Address:	58, Lidget Street, Lindley, Huddersfield, HD3 3JR
Description:	Change of use of ground floor residential accommodation to retail unit (A1), internal alterations to first floor to form 1 flat and external alterations
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: 22-Sep-2020

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Officer Report – 2020/92271

Site Description

58 Lidget Street, Lindley, is a two-storey brick building located on the eastern side of Lidget Street. It is built on to the southern end of a terraced row with shops or other commercial uses at ground floor and apartments above. The immediate neighbouring property is however in residential use at ground floor as well. To the south is a small memorial garden. To the rear is more open space, a former burial ground. It has a small enclosed paved yard to the front, rear and side. Across Lidget Street, shops and other commercial uses also predominate.

Description of Proposal

The proposal is for the change of use of the premises from a dwelling house to retail at ground floor and a single-bedroom apartment on the first floor, and associated alterations. The apartment would be accessed from a rear door at ground floor level.

The front elevation would be altered so that there would be two large display windows at ground floor (of which the right-hand one would incorporate a glazed door) and the existing centrally-placed door filled in with a rendered panel. The apartment would have two bedrooms and an open-plan kitchen / living area.

The boundary wall would be removed and a new entrance ramp formed, rising from the left.

Windows would be UPVC. Doors would be composite or aluminium, both anthracite grey in colour.

The flat would have a gross internal floorspace of 42sqm.

History of negotiations/amendments received

14-Sep-2020: Amendments to internal floorplan – bedroom now described as “study”. This means that the application is considered for a 1-bedroom flat.

18-Sep-2020: Amended plan to clarify position and layout of ramp.

These changes were not re-advertised because they were not considered to raise significant new issues.

Relevant Planning History

None.

Representations

Final publicity date expires: 03-Sep-2020 (publicity by neighbour notification letter only which in this instance is sufficient to comply with the terms of the Development Management Procedure Order).

No representations made.

Consultation Responses

No consultations were considered necessary in this instance.

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 Lindley District Centre on the Local Plan.

Local Plan:

LP 13: Town centre uses
LP 21: Highway safety and access
LP 22: Parking
LP 24: Design

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 – Requiring good design

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) Impact on public health
5) Other issues
6) Representations
7) Conclusion

1 – Principle of development: The site is within the Lindley Local Centre. The proposal would in principle uphold the aims of Policy LP13 and those of NPPF Chapter 7 – Ensuring the vitality of town centres. It will further be assessed having regard to the aims of LP24 (design), and LP21-22 (highway safety), and any other material considerations.

2 – Impact on visual amenity: Under Policy LP24, the design and appearance of new development must respect and enhance the character of the townscape. It is considered that the new display windows would be in keeping with the nature of their surroundings, where large display windows are common. The infilling of the door with a rendered blockwork panel is considered appropriate since it might be difficult to find an exact match for the brickwork, and since there is extensive use of off-white rendering to the two properties adjacent to the north. In conclusion it is considered that all aspects of the proposal would respect the townscape and conserve visual amenity, in accordance with the aims of LP24(a).

3 – Impact on residential amenity: The proposed use would not, in itself, be a major noise generator. However, both the proposed retail use and possible further changes of use under the new Use Class E of the Use Classes Order (see part 5 of the Assessment below) could cause some noise disturbance to the new flat if the hours of use extended either late into the evenings or very early mornings. It is therefore recommended that the opening hours specified on the application form (0830-1800 Monday to Saturday) should be conditioned, except that limited Sunday opening (10am to 4pm) can be allowed as well so as to give future occupiers more flexibility.

The neighbouring building is in residential use (although presently unoccupied) but given the general level of noise and activity within this part of Lindley, the change to retail use is unlikely to lead to a noticeable increase in noise or disturbance, subject to the hours of use condition referred to above.

The amount of floorspace within the flat is considered adequate having regard to the Nationally Described Space Standards, now this is solely a 1-bedroom flat, and the flat is considered to have an acceptable outlook and level of natural light to both aspects.

It is considered that the proposal upholds the aims of LP24b.

4 – Impact on highway safety: The site does not have its own off-street parking and it is not possible to park directly outside the premises because of there being a bus stop there. The site is within a Local Centre, within which it is not normally expected that retail units will have individual parking provision for customers. Furthermore the site is well served by public transport and there are safe places to park within the vicinity of the site. The remaining residential accommodation will, if anything, give rise to less demand for parking than before. It is considered that the development raises no concerns from the point of view of highway safety and accords with the aims of Policy LP21-22.

5 – Other issues:

Potential future changes of use:
The implications of the revisions to the use classes order in September 2020 have been considered. In granting an A1 use it will, in effect, alter the property to a new Class E 'commercial' use which would allow subsequent changes to financial and professional services, a café or restaurant, offices, research and development, industrial processes that are deemed capable of being carried on in a residential area and other uses such as gymnasiums.

It is considered that none of these possible future changes would have a detrimental impact upon the retail function of the Local Centre. Potentially, some of the alternative uses (especially industrial processes) might result in an increased demand for parking for commercial vehicles, but anyone considering buying or leasing the unit for such purposes would presumably be aware of the lack of parking opportunities adjacent to the premises. More generally, given the small size of the unit it is considered unlikely that any of the uses would have a materially different impact on highway safety, traffic levels or waste storage and collection overall.

Finally, it is considered that none of the potential alternative uses would be significant noise generators. They would therefore still be compatible with protecting the amenities of the residential flat and the wider amenities of the area, subject to the condition on hours as set out in part (3) above.

Refuse collection:
There is space to store bins at the rear, whether for residential or commercial use, and a clear pathway to wheel them to the front on collection day. It is considered that as the development does not imply a significant intensification of the site overall it is unlikely that it would generate a demand for waste storage provision that cannot be met within the site, and it would accord with the aims of LP24(d)(vi).

Ecology:
The site is in the bat alert layer. From an external viewing the building appears unlikely to have bat roost potential and the proposal does not in any

case involve works to the roof structure. It will be sufficient in the circumstances to add the standard precautionary note.

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.

Since this application is for the change of use of an existing building and is in a sustainable location it is considered that it would be compatible with the Council's aims 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: 2020/92271

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 Kirklees Local Plan.

3. No activities shall take place within the ground floor of the building outside the hours of 0830-1800 Monday to Saturday, 1000 to 1600 Sundays and Bank Holidays.
Reason: To avoid potential loss of amenity to future occupants of the first-floor flat arising from noise disturbance at unsocial hours, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

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			29-Jul-2020
Location plan, plans and elevations as existing	2014/01		29-Jul-2020
Plans and elevations as proposed	2014-02	D	18-Sep-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. Amendments to internal floorplan and to clarify position and layout of a ramp were secured during the course of the application.

Report dated:

22-Sep-2020