

**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: 2020/62/93659/W

Site Address: 190A, Woodhead Road, Holmbridge, Holmfirth, HD9 2NL

Description: Alterations to convert existing dwelling into 2no. one-bedroomed dwellings (within a Conservation Area)

Recommending Officer: Sam Jackman

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: 14-Jan-2021

SITE DESCRIPTION – 2020/93659

Description changed to Alterations to convert existing dwelling into two, 1 bedroomed dwellings (within a Conservation Area) - to change in APAS

190A Woodhead Road, Holmbridge is a stone 2-storey under-dwelling in a 4-storey terrace block. The property was originally 2 properties which have been converted into one by the current owner but not the applicant.

The property has no space at the rear where the rear elevation backs onto bedrock and is underground.

Along the frontage is a small yard with no off- street parking spaces.

DESCRIPTION OF PROPOSAL

The proposal as amended is to convert the property into two 1-bedroom properties.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93659>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed 2-bedroom properties, however once the internal floor area was calculated it was below the nationally described space standards. The agent amended the drawings to 1 bed properties and included bin store location. The description of development was altered accordingly.

RELEVANT HISTORY

None

PUBLIC/MEMBERS RESPONSE

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, we have publicised this application via neighbour notification letters, site notice and press notice which expired on the 18.12.20, whereby 1 letter of representation has been received commenting to this application.

There concerns are

- That the applicant is aware of the position water supply and stability of floorboards on the previous conversion.

Holme Valley Parish Council supports the application.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

CONSULTATION RESPONSES

None

POLICY

The statutory development plan comprises:

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 and is within Hinchliffe Mill Conservation Area

Kirklees Local Plan (LP):

LP 1– Achieving sustainable development

LP 2 – Place shaping

LP 22 - Parking

LP 24 – Design

LP 30 - Biodiversity and geodiversity

LP 35 – Historic environment

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, together with Circulars, Parliamentary 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 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the

whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

ASSESSMENT

Principle of development:

The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise. In addition, the creation of an additional residential dwelling is supported in principle and shall be assessed against other material planning considerations below.

The site is designated within Hinchliffe Mill Conservation Area. Policy LP 35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that the proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Policy LP 24 requires that the form, scale, layout and details of all development “respects and enhances the character of the townscape, heritage assets and landscape...”

In terms of national planning Policy Chapter 16 of the NPPF needs to be considered which in paragraph 193 states: “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...*”. Chapter 16 further details that an assessment has to be made in relation to the level of harm (if harm accrues) and that any harm must be outweighed by public benefit of the proposal.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in discharging its planning functions.

Chapter 5 of the NPPF clearly identifies that Local Planning Authorities 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. Paragraph 68 of the NPPF recognises that “small and medium sized sites can make a contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of

a good mix of sites Local Planning Authorities should.... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Furthermore, Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment. Paragraph 122 states that planning decisions should support development that makes efficient use of land. It is stipulated that the development should continue to contribute to the area's prevailing character and setting (including residential gardens). Development should be well designed, attractive and secure healthy places (para 122 (e) of the NPPF)). Subdivision of the site to provide an additional residential unit dwelling would make a small contribution to the supply of housing. Supporting an increase to the efficient use of this site should not be at the consequence of other material planning matters. Whilst the principle of some form of residential accommodation maybe acceptable other matters including, visual and residential amenity and highway safety are of importance are later assessed.

Impact on visual amenity:

As the site is within a conservation area the impact of the development will need also to be assessed against national policy in Chapter 16 of the NPPF and the general duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "in the exercise of (of planning functions), with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

The property is a 2-storey under dwelling within a 4-storey terrace row. The property was previously 2 properties which has been converted into one property by the current owner.

The works carried out included the blocking up the left-hand front door, removal of the right-hand staircase, breaking through at ground floor and first floor of the chimney breast to link the two properties together.

The works proposed are to keep the layout almost identical, albeit the property is currently a 3-bedroomed property going to 2, one bedroomed properties. Internal alterations include the two internal doorways to be blocked up, new staircase, kitchen & bathroom with a few other internal alterations. The only external alteration will be to reinstate the front door, which is currently a window which retained the original header stone.

The proposed change of use doesn't involve significant alteration to the external appearance of the existing building, only the reinstatement of a doorway to the left-hand cottage. This respects the original form of the dwelling and therefore there would be very little impact of the visual amenity

and it would have a neutral impact on the character of the area and the significance of the Hinchliffe Mill Conservation Area.

Therefore, the proposed design of the configuration and layout of the property, which reduces the property into two more smaller sized dwellings, can be visually assessed as acceptable in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

Impact on residential amenity:

The proposed alterations to create 2 dwellings would have little impact on neighbours with regards overshadowing, overbearing or overlooking given that no external structure is being built.

Future occupiers of the dwellings

It has been considered that the dwellings would provide an acceptable amount of internal living accommodation, as amended, when considered against the Government's Technical Guidance, as the advice given is that 58m² should be provided for a two storey one-bedroom property. In this instance the two cottages would provide approx. 63m² internal floor living space. Both these properties provide adequate internal space, when following these guidelines.

However, to retain adequate internal floor space the description has been change to

'Alterations to convert existing dwelling into two, 1 bedroom dwellings (within a Conservation Area)' for the avoidance of doubt, in order to meet current living standards.

With regards external space for both properties which is very limited in this case with only a small front yard available. While this is not ideal, it is a characteristic of these earlier cottages within the Holme Valley. Furthermore, it is for a 1 bedroomed property which is unlikely to be a family home but rather a single or couple occupancy.

Impact on highway safety:

Highways engineers commented on the original proposal of converting the property into 2 two bedroomed properties, where given that the accommodation now offered is for 2 one bedroomed properties, their comments remain unchanged.

The proposals seek to convert a 3-bedroom dwelling into two 2-bedroom dwellings. There is no off-street parking associated with the site so therefore there is only on-street parking available which is in line with many properties on Woodhead road.

Whilst it is acknowledged that there is no off-street parking provision associated with site along with the neighbouring dwellings, given the historic use of the site when it was formally 2 separate dwellings and

the proposal seeks to convert it back to 2 separate houses, the parking provision is considered acceptable on this occasion.

Pedestrian access to and from the house will not be affected by the proposals.

No details have been provided for bin storage and HDM requests that this is clearly shown on a drawing. If the information can be provided prior to determination, then the condition can be removed or amended.

Highways Development Management consider the parking arrangements to be tolerable on this occasion so therefore the proposal is acceptable with the following condition.

Method of storage/access for waste

Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To meet the requirements set out in Local Plan Policy LP24 part d(vi).

The agent has now indicated the bin positions within the site, therefore the suggested condition is no longer required, as such would meet the aims of Policy LP22 of the Kirklees Local Plan with respect to highway safety and advice in Chapter 12 of the National Planning Policy Framework.

Other matters:

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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

K.C. Biodiversity – the application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance.

This is due to the fact the proposed works do not affect the roof structure in this case.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Representations:

1 letter of representation has been received commenting to this application.

There concerns are

- That the applicant is aware of the position water supply and stability of floorboards on the previous conversion.
- **Response:** - this would be a private issue and the applicant can view the comments raised on the council's website.

Holme Valley Parish Council supports the application.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised

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.

Decision Authorisation - Delegated Powers

Application Number: 2020/93659

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 51 of the Planning and Compulsory Purchase Act 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, to preserve the significance of Hinchliffe Mill Conservation Area and to accord with Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

3. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To meet the requirements set out in Local Plan Policy LP24 part d(vi).

4. The bin storage areas and access for collection of wastes from the dwellings hereby approved as shown on drwg no. 20.035(2-) 001 C shall be formed and made operational before either dwelling is first occupied and shall be so retained thereafter.

Reason: To ensure suitable arrangements are provided for the storage and collection of bins in the interests of highway safety and visual amenity and meet the requirements set out in Local Plan Policy LP24 part d(vi).

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing & proposed floor layout	20.035(2-) 001	C	11.1.21
Existing & proposed front elevation	20.035(2-) 002		9.11.20
Heritage/Design & Access Statement			9.11.20

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 Planning 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 amended plans during the process of the application to seek an amendment which would reduce the number of bedrooms given the internal floor space and to provide details for the storage and access for the collection of wastes. This decision is based on the amended/additional documents submitted.

Recommendation and Authorisation Box

Report Dated:

14.1.21

Coal – none