

**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:	2021/62/91283/W
Site Address:	Waverley House, Waverley Street, Huddersfield, HD1 5NA
Description:	Installation of roof lights and formation of car parking (within a Conservation Area)
Recommending Officer:	Stuart Howden

DECISION – Refused

I hereby authorise the refusal 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: 16 March 2022

Officer Report

Site Description

Waverley House, Waverley Street, Huddersfield, HD1 5NA

The site comprises Waverley House, which is a generously sized 2 and a half storey building (with a basement) constructed from stone under a slate roof and dates back to the late 19th Century. The building is sited on a prominent corner plot to the west of Portland Street and south of Waverley Road, and is centrally located within Huddersfield. Some on-site parking (5 spaces) is situated between Waverley Road and the front elevation of the property. The property sits within a soft landscaped garden area, but to the west of the building the garden (a large proportion of the land to the west of the building) has recently been excavated and replaced with hard surfacing. To the rear/south of the site is Back Fitzwilliam Street leading to the rear of residential properties further to the south, and the site can be accessed from this lane via a gate. To west of the site is Waverley United Reformed Church.

The building appears to be partly vacant at the time of writing. It appears that the majority of the building has been in a B1a use, but that part of the first floor is used by the Driver and Vehicle Standards Agency as a driving test centre which is considered to be a sui generis use.

The site is within Greenhead Park/New North Road Conservation Area. The building is not listed but is within close proximity to a number of listed buildings, including 51 New North Road and 51A, 51B, 51C New North Road to the north of the site, the terrace properties fronting Fitzwilliam Street to the south of the site, 36 Portland Street and 36, 40 Portland Street to the south of the site and 51 New North Road to the east of the site.

The site lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth.

Description of Proposal

Planning permission is sought for the installation of roof lights and formation of car parking.

In relation to the proposed rooflights, the elevations display that 3 are proposed on the north elevation, 3 are proposed on the east elevation, 3 are proposed on the south elevation and 1 is proposed on the west elevation. However, the position of the rooflights on the elevations do not appear to be in a similar position to those on the floorplan drawing. That is, on the floor plan, 3 rooflights are displayed to be on the west roof slope whereas 1 rooflight is displayed to be on the east roof slope.

The application also looks to provide additional car parking to the west of the building. The grassed area to the west of the building has been excavated and replaced with hard surfacing for this car park therefore the application is part retrospective. Whilst the amended block plan does not make the extent of the hard surfaced area to the west of the building clear, it is understood that the applicant wishes for the majority of the area to the west of the building within the site to consist of hard-surfacing based on what has been constructed to date and the previous block plan that was submitted under this application. The access off Back Fitzwilliam Street is noted to be used for waste and oil delivery.

The Design and Access Statement notes that it is the intention of the applicant to convert the building into residential use (apart from the Driving Test Centre), but it should be noted that this planning application does not relate to a change of use of the site to a residential use. In other words the proposed installation of the roof lights and the car-parking are intended to facilitate the use and conversion for residential apartments which is proposed in the future (but does not benefit from any form of permission).

History of negotiations/amendments received

Officers raised significant concerns with the loss of the protected trees and soft landscaping for parking to the west of the site as well as the loss of proposed soft landscaping (and likely harm to protected trees) for parking initially proposed to the east of the site. Officers advised the applicant's agent to omit the parking to the east of the site, as well as significantly reduce the amount of hard standing to the west of the site whilst providing compensation/replacement tree planting for the trees removed without the necessary permission. The applicant's agent provided an amended plan with the parking area to the east being omitted, but limited soft landscaping being provided to the west of the site, noting that the amount of parking provided to the west of the site was necessary. Given this, Officers considered that the applicant would not be willing to provide the amount of landscaping and compensatory tree planting which Officers deemed sufficient to address the conflict with Policy. The application has therefore been recommended for refusal.

Relevant Planning History

2021/90950 – Prior approval for change of use from office (B1) to 9 residential units – Refused on 18th May 2021.

2020/93614 – Prior approval for change of use from office (B1) to 13 residential units (within a Conservation Area) – Refused on 2nd February 2021.

2020/91621 – Works to trees within a conservation area – Granted on 15th July 2020.

2017/91123 – Work to tree(s) in a conservation area – Part granted/part refused on 1st June 2017.

2000/91571 – Change of use from driving theory test centre to educational – schedule D1 (within a conservation area) – Approved on 18th September 2001.

87/02157 – Change of use of caretakers flat to social services facilities (including use of St James Church car park) (within a conservation area) – Approved on 14th August 1987.

As listed above a prior approval application was previously submitted relating to this site (2020/93614), and was refused on 2nd February 2021 on the following grounds:

- 1. The application would fail to provide the future occupants of the proposed residential units with an acceptable level of amenity as not all habitable rooms within the dwellinghouses would be served by adequate natural light. Therefore the proposal fails to comply with the requirements of paragraph O.2(e) and the application site is unable to take advantage of the general grant of Planning Permission provided by Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by virtue of paragraph 2(A) of Class W.*
- 1. The application has failed to provide floor plans indicating the dimensions of each room and the position and dimensions of windows, doors and walls of the dwelling houses. The proposal therefore fails to meet all of the requirements of Paragraph W(2) Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

Following this, a further prior approval application was submitted relating to this site (2021/90950), and was refused on 18th May 2021 for the following reasons:

- 1. Part of this building subject of this proposed change of use is not within a B1(a) use as defined by the Town and Country Planning (Use Class) Order 1987 (as amended) therefore the proposed development does not constitute permitted development under Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended). In addition, the proposed development fails to constitute permitted development given that the evidence available to the Council indicates that part of this building was not used as B1(a) use class on 29th May 2013 and it has not been demonstrated that this was the case as required by Paragraph O.1, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended)*
- 1. The application has failed to provide elevations and floor plans, as well as details of the proposed apartments and specific rooms (including dimensions, the position and dimensions of windows, doors and walls).*

The proposal therefore fails to meet all of the requirements of Paragraph W(2) Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore, without this information, it is has not been demonstrated that all the habitable rooms of the dwellings proposed would be served by adequate natural light. The proposal therefore fails to comply with condition O.2(e) of Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended).

2. *Details regarding on-site parking to serve the proposed development and the size of the proposed residential units are insufficient and it is not clear whether there would be adequate on-site parking to serve the occupiers of the proposed dwellings as well as the staff and visitors to the driving test centre. As a result of this, there could be potential for such a development to result in an increase in on-street parking on well-used highways, thereby increasing the likelihood of conflict between highway users, detrimental to the safety and convenience of highway users, including pedestrians. The proposal is therefore contrary to Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework, and therefore fails to comply with Condition O.2(a) of Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended).*

Under the previous prior approval application, the applicant was informed in the decision notice that the hard surfaced area to the west of the building, (which appears to have been constructed in late 2020), does not appear to benefit from planning permission. The LPA stated that this appears to be an engineering activity and that this element required planning permission. The LPA noted that The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) does not make provision for engineering operations as part of the change of use permissible under Class O or under Part 7, Class G if not laid for the purposes of any office. As the proposed parking area to the side of the building does not appear to benefit from planning permission, the LPA noted that this area could not be considered as car park under the prior approval application (i.e. planning permission was required for this feature).

Representations

Final publicity date expires:

3 letters of representation have been received, 2 of which raise objections and 1 which raises general comments. The comments received are summarised below (full comments are available to view on the Council's Planning Webpage):

- Do not wish for cars to use Back Fitzwilliam Street to access site as this will cause disturbance, reduce privacy and will be a danger for pedestrians.

- Back Fitzwilliam Street is too narrow for further traffic and there is an adequate entrance on Waverley Street.
- Disappointed to see the felling of trees.
- Trees facing Back Fitzwilliam Street should be retained to provide privacy for residents of Fitzwilliam Street.
- Application form has been incorrectly filled in, of note trees have been felled, a new access and hardstanding area have been created (without planning permission) and the number of existing parking spaces specified is incorrect.

Whilst an amended block plan has been received, this has reduced the amount of hardstanding proposed therefore it was not considered necessary to reconsult third parties (i.e. no third party would be prejudiced).

Consultation Responses

The Coal Authority: No objections.

KC Conservation and Design: Object to the application.

KC Ecology: No comments received.

KC Environmental Health: No objections in principle.

KC Highways Development Management: Unable to support the application without sufficient on-site parking. Further details of waste collections are also required.

KC Trees: Object to the application.

The above is a summary of the comments received by consultees, and full comments can be viewed on the Council's Planning webpage.

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 within the Green Belt and is also within the Wilshaw Conservation Area.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 20** – Sustainable Travel
- **LP 21** – Highways Safety and Access

- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **LP 43** – Waste Management Hierarchy
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 8** – Promoting Healthy and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees Housebuilders Design Guide (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Conservation Principles, Policies and Guidance (2008)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including impact upon historic environment and trees)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters

- 5) Representations
- 6) Conclusion

1 – Principle of development:

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued on mutually supportive ways.

In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

Policy LP2 of the Kirklees Local Plan states: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes set out in the Local Plan”*

The site is within the Huddersfield sub-area.

The site is unallocated within the Kirklees Local Plan and this planning application does not seek to change the use of the site therefore the principle of the development could be acceptable, but this is subject to other considerations which Officers will now go on to discuss.

2 – Impact on visual amenity (including impact upon historic environment and trees)

The site is within Greenhead Park/New North Road Conservation Area. The building is not statutory listed but is within close proximity to a number of listed buildings, including 51 New North Road and 51A, 51B, 51C New North Road to the north of the site, the terrace properties fronting Fitzwilliam Street to the south of the site, 36 Portland Street and 36, 40 Portland Street to the south of the site and 51 New North Road to the east of the site.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning

functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...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.”*

In addition, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable 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 make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

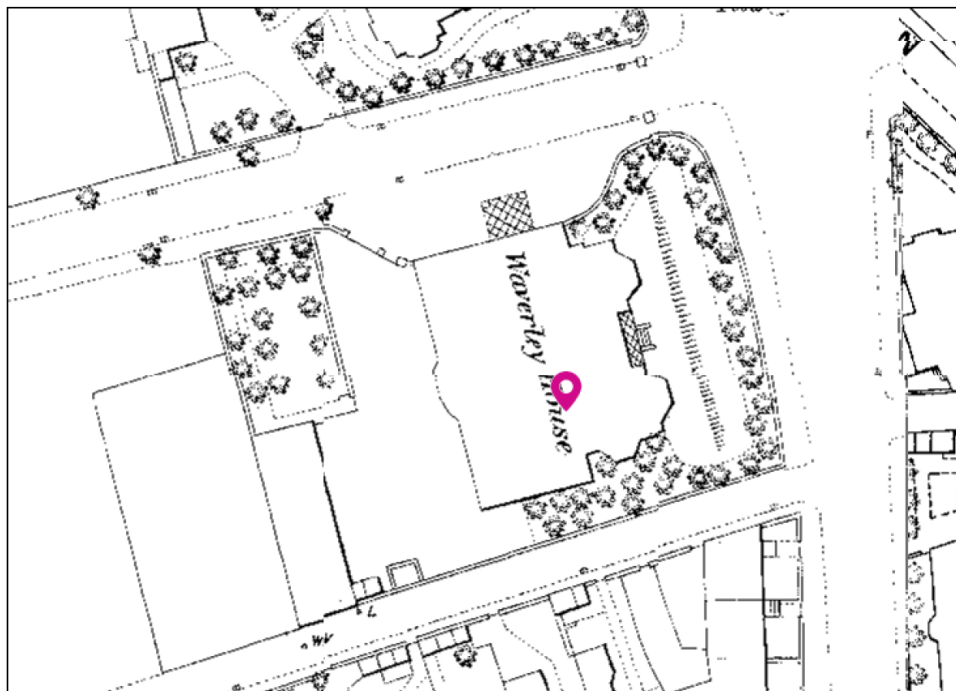
i. The retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits”.

Policy LP33 of the Kirklees Local Plan outlines that the Council will not grant planning permission for developments which directly or indirectly threaten trees of significant amenity, and that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Policy LP33 goes on to note that proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction, and that where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

In addition to this Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. It goes onto note that planning decisions should ensure that existing trees are retained wherever possible.

The Conservation Officer and Officers consider that the building is a prominent and positive contributor to the Greenhead Park Conservation Area. The Conservation Officer has noted that the building was designed as a substantial villa in the late 19th Century by the noted local architect, W H Crossland and occupied as a residence by a Doctor Scott and is understood to have accommodated his consulting rooms.

The villa is now accessed from Waverley Road, on the north elevation, but presents a double-front to the east, facing Portland Street, which originally accommodated a glazed-porch entrance leading to a central hall and grand stairs. The Conservation Officer has noted that the original east entrance overlooked the tree-lined landscaped frontage (see 1893 plan below). The Conservation Officer states that the east frontage appears to have been altered when the former villa was acquired by the adjacent United Reform Church and became the Manse and church offices in the early 20th Century refocusing the entrance to the north (Waverley Road).



The Conservation Officer states that the main landscaped garden areas, as well as the stone-boundary walls (including the embedded former estate pier) survive in a diminished form to the east and west of the former villa. The east garden area comprises a raised grass bank which was carefully landscaped to create a semi-enclosed frontage (see 1893 plan above). The current frontage comprises a simple lawn frontage with remnant tree groups to the north and south sides.

The west garden has been cleared to create the parking area which is subject to this application. The Conservation Officer notes that the garden space was originally enclosed by a stable range at the extent of the enclosed, rear (west) garden area. The Conservation Officer states that the stable was demolished before 1913 to accommodate the adjacent church, by which time the house had been acquired as a Manse residential property and offices for the church. Most recently the property has been used as commercial offices.

The two-storey villa plus basement and attic was designed and built in an eclectic Queen Anne style of rock-faced, coursed sandstone with a Mansard-like slate roof partly behind a balustraded parapet, with tall stone chimneys. From the elevations provided, the proposed roof lights would be located on the external slopes of the Mansard roof. The windows are plain mullion and transom, or transom windows with the exception of the dormer windows to the two main elevations, which have sculptural relief panels to their shaped gables. The interior has a central stair hall lit by an octagonal lantern which projects through the Mansard roof and lights the double-return staircase.

The Conservation Officer states that the extent of internal alterations and the survival of original fixtures and fittings is not known but would not be impacted by the installation of the roof-lights. The Conservation Officer goes on to note that the exterior retains some good-quality detailing to the two main facades, such as the dormers, balustraded parapets and tall chimney stacks. The Conservation Officer notes that the former villa is a lesser example of the work of W H Crossland. W H Crossland was prolific in villa design in the area at the end of the 19th Century. Officers and the Conservation Officer hold the view that whilst Waverley House does not make the standard to be statutorily listed, it does make a positive contribution to the streetscape and the historic character of the neighbourhood and the appearance of the conservation area in which it stands. It is consequently a local heritage asset of some distinction and a positive contributor to the designated heritage asset (Greenhead Park Conservation Area).

In respect of non-designated heritage assets, Policy LP35 of the Kirklees Local Plan states that proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. This echoes Government advice within Paragraph 203 of the NPPF.

Rooflights

The Conservation Officer has stated that the alterations to the roofscape would have a harmful impact on the architectural character of the building and are required to accommodate a change of use of use which has yet to be authorised. The Conservation Officer has stated that the alterations to the roofscape should be clearly premised on the necessary and appropriate

alterations to the planform of the building, including determining the use of the rooflights as potential escape windows (which may impact on their scale).

However, the Conservation Officer has stated that the impact would be moderate and could be minimised by the selection of appropriate materials. The Conservation Officer goes on to state that the rooflights should be subject to careful specification, and the number and type of rooflights should be detailed by way of a planning condition, which also specifies the use of 'conservation style rooflights.' The Conservation Officer goes on to note that the rooflights would then sit flush with the slope of the Mansard roof to minimise their visual impact and any apparent visual clutter on the prominent roof. The Conservation Officer notes that the submitted materials currently are insufficient to ensure that the necessary details are provided and ensure that an appropriate rooflight is used. As a consequence, the Conservation Officer has requested further details to confirm that the extent of alterations is justified by the need to accommodate an appropriate use.

The concerns of the Conservation Officer in relation to the rooflights are acknowledged. Of note, the position of some of the rooflights on the proposed elevations appears to be inconsistent with the position on the proposed second floor plan therefore it is difficult to fully ascertain what is proposed in respect of the rooflights here.

That being said, Officers hold the view that rooflights could be installed on the roof of this building, without harm being caused to significance of the non-designated heritage asset of Waverley House or the designated heritage assets of the conservation area and nearby Grade II listed buildings. However, this is subject to details of the rooflights provided. Of note, the rooflights should not overcrowd the roof slopes of the building in terms of quantity and scale, and they should be flush with the roof slope as outlined by the Conservation Officer, and this will help to prevent the roof from appearing cluttered. Given the inconsistency with the floorplans and roof plans and the lack of detail of the in relation to these rooflights proposed, it is considered that full details of the rooflights could be conditioned should permission be granted, notwithstanding the details submitted alongside this planning application. Thus, subject to a condition, it is considered that rooflights could avoid harm to the significance of the conservation area, nearby Grade II listed buildings and the non-designated heritage asset of Waverley House, as well as detrimental harm to the visual amenities of the locality.

Parking Area

The initial submission proposed to replace the grassed area to the east of the building with hardstanding to provide additional car parking spaces at the site. The Conservation Officer and Officers considered that such alterations to the eastern frontage would have adversely transformed the street-frontage and had a very negative impact on the appreciation and experience of the former villa and its landscaped setting. Such a car park would likely require significant engineering and landscape works too. Given Officer concerns in

relation to this matter, the applicant's agent omitted the car park to the east of the building from the application.

The Conservation Officer notes that in relation to the car park on the western side of the building (which has been partly constructed), the works have had an obtrusive impact on the setting of the former villa and the adjacent church and result in the loss of the remnant landscape, without any details of the layout or landscaping of the car park, the accommodation for refuse storage or even access and turning.

In addition to this, the removal of trees from this soft landscaped area to the west of the building was carried out without consent prior to this application (the removal of trees requires consent because the site is within a Conservation Area). The Council's Tree Officer has noted that the owner of the land is required under Section 213 of the Town and Country Planning Act 1990 to replace any of the trees with trees of an appropriate size and species in the same place. However, as noted by the Tree Officer, the replacement of these trees will use up approximately half of the area shown to be a new car park in these proposals. The Tree Officer states that the proposals would therefore prevent the landowner from complying with their legal duty under the Town and Country Planning Act. The Tree Officer notes that given that the trees removed formed part of the setting of Waverley House their replacement will be necessary. The Tree Officer also states that the proposals have not considered the design elements required to ensure protection of other protected trees on the site. Given the above, the Tree Officer has objected to the proposal.

Officers hold the view that the soft landscaping, including the trees, provided the non-designated heritage asset of Waverley House with a pleasant and green setting, and it is considered that the removal of this to make way for urbanising hard surfacing has had a harmful (less than substantial) impact on the significance of the prominent non-designated heritage asset of Waverley House and thereby the significance of the conservation area. However, the works undertaken are considered to be a sufficient distance away from nearby Grade II listed buildings so as to prevent harm to their significance.

Officers outlined the concerns in relation to the loss of soft landscaping and trees to the applicant's agent. Officers noted that to reduce the harm to character and appearance of the locality and the significance of the heritage assets, it was necessary to reduce the amount of hardstanding and provide more soft landscaping within the site so as to soften the appearance of this car park, and to allow for the planting of new trees to compensate/replace the protected trees already removed without the necessary consent.

Following these suggestions, the applicant's agent provided a rough sketched drawing which the agent stated displayed additional landscaping on the joint boundary with the church. The agent noted that further landscaping could also be added at both entrance points. The rough drawing displays some form of soft landscaping to the west and north of the car park, but this is outside the redline area and is not displayed as being under the ownership of the

applicant (by way of blue line drawing) so this cannot be secured under this application. In addition to this, the amount of landscaping proposed is considered to insufficient so as to soften the amount of hardstanding proposed and minimise the harm caused to the significance of the heritage assets. The area proposed for landscaping would also provide limited scope to provide replacement trees of an appropriate size to the west of the site.

The agent also noted that block paving could be used for the parking area, but Officers consider that this will do little to soften this car park given that this is a hard surface itself.

It is considered that matter of landscaping should not be conditioned in this situation given the applicant does not appear to be willing to provide the amount of soft landscaping to which Officers believe is required. Of note, the applicant's agent has stated that the additional parking proposed is essential to enable any form of future use for Waverley House.

The applicant's agent has also noted that the land to the west of the church was previously hard surfaced but due to limited use the car park had overgrown to give a green surface. Whilst there was some area of hardstanding near the access to Back Fitzwilliam Street, the majority of this was a managed soft landscaped area. Officers have photographic evidence of this from 2000, and street view and aerial photographs display this too.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As noted above, the applicant's agent has stated that the additional parking proposed is required to enable any form of future use for Waverley House, with the intention being for residential use (a number of apartments).

It should be noted that Policy LP22 of the Kirklees Local Plan, which relates to parking, states that all proposals should demonstrate how the amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel. Policy LP22(e) goes on to note that car parking provision will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development.

Whilst securing a future use for a large part of the building is desirable, it is pertinent to note that this application is not for a change of use, and that there is no formal permission to use part of the Waverley House in a residential use, therefore this reduces the weight that can be afforded to the argument that the parking is required for such a use. In addition to this, and as argued within the Design and Access Statement, the site is within a sustainable location as it is ~45 metres from the designated Huddersfield Town Centre and ~0.5 mile to both Huddersfield Bus Station and Huddersfield Train Station. As a consequence, the site is considered to be within very close proximity to a

good range of services and facilities, thereby highly accessible, and it is questionable whether there is actually a need for a residential development to provide this amount of parking, thereby further reducing the weight of this argument. The amount of spaces likely to be required would also be somewhat dependent on the size and amount of dwellings to be provided therefore raising further questions of whether the proposed parking area is essential for some form of residential scheme at the site to work. The argument of need for parking proposed for a future use is therefore given modest weight. Officers also consider that as the development has not demonstrated the amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel, contrary to Policy LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

The Design and Access Statement also notes that the submission would provide more parking for the Driving Test Centre which will reduce on-street parking. There are a number of parking restrictions within the locality and the Driving Test Centre has 5 no. off street parking spaces, therefore it is considered that this existing use is unlikely to have a detrimental to the safety and convenience of highway users. This argument is therefore given limited weight.

The hard surfaced car parking area to the west of the building, by virtue of introducing an urbanising form of development that has removed a soft landscaped area along with protected trees which positively contributed to the setting of Waverley House, has caused less than substantial harm to the significance of the non-designated heritage asset of Waverley House and the Greenhead Park/New North Road Conservation Area, as well as detrimental harm to the visual amenities of the locality. There is considered to be insufficient scope to the mitigate the impacts of the development, including compensatory trees, given the amount of hard surfacing proposed to the west of the building. No public benefits have been demonstrated which would outweigh the harm caused. The proposal is therefore contrary to Policies LP24 (a and i), LP33 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

Paragraph 185 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

All the elevations have first and second floor windows, therefore it is considered that any rooflights at second floor level would not gain materially clearer views of neighbouring residential properties to the north, east and south of the site. It is therefore considered that the proposal would not cause undue harm to neighbouring properties in terms of loss of privacy or overlooking.

The parking area has the potential to cause some additional disturbance being located to the rear of properties fronting Fitzwilliam Street, as well as the intensification of the use of Back Fitzwilliam Street. However, given the close town centre location and that there is an adopted road to the rear of these properties already, it is considered that the car park would not cause undue harm in terms of disturbance and nuisance to these neighbouring properties. In addition, the applicant has noted that the rear access is required for servicing as oil delivery wagons and refuse vehicles are unable to turn into the front entrance, and should permission be granted it could be conditioned that this Back Fitzwilliam Street access is only used by servicing vehicles.

Given the above, the development is therefore considered acceptable in terms of residential amenity and it is considered that the development complies with Local Plan Policies LP24(b) and LP52 and Chapters 12 and 15 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

KC Highways Development Management (HDM) have objected to the application with the belief that the application includes the conversion of the second floor to flats, but this is not the case. The application is only for the installation of the rooflights and the formation of a car parking area. With this notion that the proposal is for the change of use of the second floor, HDM have requested a parking layout plan which indicates turning areas for spaces. Given that no change of use is proposed, Officers consider that it is not reasonable to refuse the application on the grounds of inadequate parking

provision on site, especially when no parking spaces are proposed to be lost as a result of the application.

That said details of laying out of bays, turning and drainage could be conditioned should permission be granted for completeness. HDM have raised no objections in relation to the using an access off Waverley Road.

A third party has noted that the application form is incorrect where it states that the site currently accommodates 10 spaces. Officers are aware of this, as there are 5 spaces to the front (north) of the site, and any other spaces created on the site to the west of the building do not currently benefit from planning permission (they are subject to this application instead).

That said, the south access to the site is reached via Back Fitzwilliam Street, which is narrow and will unlikely allow for two vehicles to pass, and the risk of the two cars facing each other on this highway would likely increase should the use of this road be intensified, and could therefore increase the probability conflict on the highway network between users. It is therefore considered that the use of this access should be restricted to servicing vehicles should permission be granted.

It is considered that details of bin storage and waste collection could be conditioned should permission be granted.

Given the above, subject to conditions, Officers consider that the development would not cause detrimental harm to the safe and efficient operation of the highway network. The development is therefore considered to comply with Policy LP21 of the Kirklees Local Plan.

The application fails to demonstrate that the amount of parking developed is the most efficient use of land as part of encouraging sustainable travel. Of note, the site is within a highly accessible location ~45 metres away from the town centre, which has very frequent public transport. In the absence of such information, the application is contrary to Policy LP22 of the Kirklees Local Plan

5 – Other matters:

Ecology:

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good

design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The second floor of the building was associated with the office use of the building and it is considered that the installation of rooflights on this building is unlikely to cause harm to protected species.

The garden to the west of the would have had modest biodiversity potential, especially with the trees which used to exist there, but this has since been removed. However, it is considered that biodiversity net gains should be provided in line with national and local policy and this could be conditioned should permission be granted

Coal Mining:

The site is within a Coal Mining Development High Risk Area, and the Coal Authority note that where development is proposed in such areas their general approach is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, The Coal Authority have noted the following: *“When considering the nature of this particular development proposal, the Coal Authority it does not appear that any groundworks will be taking place to facilitate this proposal (change of use of an existing building). On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and do not object to this planning application.”*

The Coal Authority are not completely accurate in their description of development as no change of use is proposed. Ground works are also subject of this application, this being the provision of a parking area. That being said, the ground works appear not to be too significant (and a part of this has already been conducted) therefore it is considered that a Coal Mining Risk Assessment is not required in this instance.

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 nature of the scheme, this being a proposal providing parking spaces, it is considered that one electric vehicle charging point per 10

residential parking spaces should be provided to aid in the contribution to climate change. This could be conditioned should permission be granted.

Construction Practices:

The Council's Environmental Health Officer has requested that construction site working times are conditioned. Given that construction practices are covered by other regulations it is not considered necessary or reasonable to attach such a condition, but an informative regarding such practices can be attached instead if permission is granted.

6 – Representations:

3 letters of representation have been received, 2 of which raise objections and 1 which raises general comments. It is considered that the above report addresses and/or discusses the points raised.

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 proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2021/91283

Officer Recommendation: Refuse

Reason(s):

1. The hard surfaced car parking area to the west of the building of the site, by virtue of introducing a stark urbanising form of development replacing a soft landscaped area along with protected trees which made a positive contribution towards the setting of Waverley House, has caused less than substantial harm to the significance of the non-designated heritage asset of Waverley House and the Greenhead Park/New North Road Conservation Area, as well as detrimental harm to the visual amenities of the locality. There is insufficient scope to the mitigate the impacts of the development by means of compensatory tree planting and soft landscaping given the amount of hard surfacing proposed to the west of the building. No public benefits have been demonstrated which would outweigh the harm caused. The proposal is therefore contrary to Policies LP24 (a and i), LP33 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.
1. The application fails to demonstrate that the amount of parking developed is the most efficient use of land as part of encouraging sustainable travel. Of note, the site is within a highly accessible location ~45 metres away from the town centre, which has very frequent public transport. In the absence of such information, the application is contrary to Policy LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	9 th April 2021
Location Plan at a scale of 1:500 on A4 and 1:1250 on A4	-	-	9 th April 2021
Design and Access Statement incorporating Heritage Statement	-	-	9 th April 2021
Proposed North Elevation	-	-	21 st April 2021
Proposed East Elevation	-	-	21 st April 2021
Proposed South Elevation	-	-	21 st April 2021

Plan Type	Reference	Version	Date Received
Proposed West Elevation	-	-	21 st April 2021
Proposed Second Floor Plan	-	-	21 st April 2021
Amended Proposed Block Plan	-	-	2 nd September 2021

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 Local Planning Authority raised significant concerns with the loss of the protected trees and soft landscaping for parking to the west of the site as well as the loss of proposed soft landscaping (and likely harm to protected trees) for parking initially proposed to the east of the site. The Local Planning Authority advised the applicant's agent to omit the parking to the east of the site, as well as significantly reduce the amount of hard standing to the west of the site whilst providing compensation/replacement tree planting for the trees removed without the necessary permission. The applicant's agent provided an amended plan with the parking area to the east being omitted, but with limited soft landscaping being provided to the west of the site, noting that the amount of parking provided to the west of the site was necessary. Given this, the Local Planning Authority considered that the applicant would not be willing to provide the amount of landscaping and compensatory tree planting which the Local Planning Authority deemed sufficient to address the conflict with local and national policy. The application has therefore been refused.

Report Dated: 15/03/2022

