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:	2021/62/92377/W
Site Address:	Trafford House, 11, Halifax Road, Edgerton, Huddersfield, HD3 3AN
Description:	Change of use from office (class E (g)(i)) to one dwelling (class C3 (a)) (Listed Building 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.

Emma Thompson

AUTHORISED OFFICER

Date: 30-Jul-2021

Error! Not a valid filename.

SITE DESCRIPTION – 2020/92377

Trafford House, Halifax Road is a large detached Victorian Villa, a grade ll listed building within a residential area of similar large properties. The property benefits from a rear detached coach house and off-street parking.

The property is currently occupied by Sadeh Lok Housing Association.

The following is the listing description.

> *HALIFAX ROAD 1. 5113 (South Side) Edgerton No 11 (Trafford House) SE 1217 27/623 II GV 2. Mid C19. Ashlar. Hipped slate roof. 2 storeys. Moulded and bracketed eaves cornice. Blocking course, pedimented in centre with sculpted wreath. Rusticated quoins. 4 sashes in moulded surrounds on 1st floor. One sash, framed by Tuscan piers and full entablature, and one canted bay with Tuscan piers, full entablature and blocking course, on ground floor. Porch on Ionic columns, with full entablature and blocking course.*

DESCRIPTION OF PROPOSAL

The proposal is for change or use only from offices to 1 residential unit, with no internal or external alterations at this stage.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F92377

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

RELEVANT HISTORY

91/03676 - Change of use from residential to office use – Conditional Full Permission

2001/90804 coach house - Listed Building Consent for installation of glazed screens, internal and external alterations, and erection of porch (within a conservation area).consent granted

2001/93736 – Listed Building Consent for internal adaptations refurbishment to existing offices removal part of internal panelling (within a conservation area) consent granted

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 which expired on the 22.6.20, whereby three representations have been received.

A summary of the comments received is set out below:

- No objection to the principle of conversion to a dwelling
- Proposed garages and parking spaces
- Internal plans only show ground and first floor
- Concerns to existing boundary walls
- Consideration to biodiversity

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 a grade ll Listed Building within Edgerton Conservation Area

Kirklees Local Plan (LP):
LP 1– Achieving sustainable development
LP 2 – Place shaping
LP 8 – Safeguarding employment land
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 20th July 2021, 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

Kirklees Council is currently in the process of producing its supplementary planning guidance on House extensions. Although this is at the draft stage, it does need to be considered in the assessment of planning applications with some weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character the host property and the wider street scene.

ASSESSMENT

Principle of development:

The site is without specific 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 Edgerton 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 195 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.

Sections 66 (listed buildings) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 need to be considered which places a general

duty on preserving the listed buildings and their setting and any special architectural features or features of historic interest together with preserving or enhancing the character or appearance of a conservation area.

The change of use to residential will result in the loss of an employment generating use, however it is considered that this cannot be resisted in this location which is outside of a town/local centre. It is considered that the development is in accordance with Policy LP8 of the Local Plan.

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.

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 124 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 124 (e) of the NPPF)). Conversion of the property to one residential unit dwelling would make a small contribution to the supply of housing, however providing this level of accommodation would allow for a large family to occupy the site in this case.

Impact on visual amenity & heritage:

As the site is within a conservation area and a Grade ll Listed building 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 large detached Victorian Villa currently being used for officers. The proposal is for a change of use only with no internal or external alterations to the building, at this stage. The permission is to allow the new homeowners to move in, with any future alterations to be considered at a later date and applied for should this be required.

Given that there are no physical alterations to the building the proposal will have little impact on the visual amenity or heritage of the property. Therefore, would accord with policies LP35 & LP24 and guidance in the National Planning Policy Framework.

Impact on residential amenity:

The conversion of this large building from offices to residential 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 dwelling would provide an acceptable amount of internal living accommodation and external amenity space.

The proposal therefore accords with policies LP1, LP2 & LP24 of the Kirklees Local Plan as it is considered the proposal will not result in any significant harm upon the residential amenity of nearby residents, as well as chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

In terms of highway safety there are no highway issues as the drive and parking arrangement is not being affected by the proposal, 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 proposal is for change of use only, 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. However, the inclusion of a footnote is to be added with regard the possibility of bats being found during future works. This is

reasonable, given the location of the property and would be in accordance with Chapter 15 of the NPPF.

Representations:

It should be noted that three representation has been received as a result of site publicity.

- No objection to the principle of conversion to a dwelling
  Response:- Noted

- Proposed garages and parking spaces
  Response:- The block plan that indicates this was for identification only and no longer forms part of the application

- Internal plans only show ground and first floor
  Response:- the applicant has commented that no works are proposed for these areas,

- Concerns to external boundary walls
  Response:- no alteration to the boundary wall, the block plan that indicates this was for identification only and no longer forms part of the application

- Consideration to biodiversity
  Response:- Noted

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: 2020/92377

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, and to accord with Policies LP01, LP02 & LP24, of the Kirklees Local Plan and advice in the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1250	15/6/21		16th June 2021
Existing floor layout	Dated 16/6/21		16th June 2021
Proposed floor layout	Dated 16/6/21		16th June 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 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 did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Recommendation and Authorisation Box

Report Dated: 29.7.21

Coal – low risk