

**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:	2021/62/93442/W
Site Address:	Coffee Novo, 50, New Street, Huddersfield, HD1 2BW
Description:	Change of use of first and second floor to form 3 apartments (Within a Conservation Area)
Recommending Officer:	Stuart Howden

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: 17th April 2023

Officer Report

Site Description

Coffee Novo, 50 New Street, Huddersfield, HD1 2BW

The site comprises No.50 New Street which is a three-storey unlisted building situated within a terrace of retail premises on New Street. It has a painted façade, presumably stone, with ranges of later window on the two upper floors and a blue slate roof. There is a ginnel within No.50 to allow for access from New Street to Union Bank.

To the rear of No.50 New Street and attached by a link building is No's. 1-2 Union Bank Yard, a 3 storey building, which is within the application site. This three-storey building dates to the early 19th century and is Grade II listed. It is constructed from hammer dressed stone with a stone slate roof and five ranges of industrial windows with glazing bars.

The upper floors of No's. 1-2 Union Bank Yard were used as ancillary space to a café at ground floor, but the ground floor is now occupied by Skipton Building Society (LPA reference: 2022/91446).

The site is within the Huddersfield Town Centre Conservation Area and is within close proximity to a number of listed buildings including No's. 40, 42/44/48, 52, 54, 56, 61 New Street, No's 3 and 6/7 Union Bank Yard. The site is within Huddersfield Primary Shopping Area within Huddersfield Town Centre and forms part of a Primary Shopping Frontage. The site is identified as being within a coal mining development high risk area.

Description of Proposal

Planning permission is sought for the change of use of the first and second floor to form 3 apartments.

The application relates to the first and second floors of the building to the rear of No. 50 New Street, this being No's. 1-2 Union Bank Yard.

Two studio apartments are proposed at first floor level, whilst a two bedroom apartment is proposed at second floor level. All apartments would be accessed via an existing external door at ground floor level.

External alterations to the part of the building accommodating the flats include the replacement of all existing windows, some of which would be obscurely glazed and the installation of two new obscurely glazed windows on the east elevation (one at first floor and one at second floor).

No on-site parking is proposed for the occupiers of the property. Bin storage is displayed to the rear of the building.

History of negotiations/amendments received

Concerns have been expressed by Officers whilst processing the application in relation to the openings, especially due to a lack of clarity of what is proposed. Whilst clearer plans have been submitted, Officers have concerns with some of the elements proposed, but consider that these can now be adequately dealt with by a suitably worded condition.

In addition, Officers requested further details in relation to the bin storage areas. This has been provided and Officers are satisfied with such a solution.

Relevant Planning History

The following planning history is considered relevant to this application:

- 97/93240 – Erection of illuminated fascia and projecting sign (within a conservation area) – Advertisement Consent Granted on 5/12/1997.
- 97/93598 – Refurbishment and respray of existing shop front and installation of external security shutter (listed building and within a conservation area) – Approved on 15/01/1998.
- 98/92999 – Installation of new shop front (within a conservation area) – Approved on 10/12/1998
- 98/93000 – Erection of illuminated signs – Advertisement Consent Granted on 18/12/1998.
- 2001/92075 – Erection of illuminated fascia and projecting signs – Advertisement Consent Granted on 29/08/2001.
- 2002/91147 – Erection of illuminated fascia and projecting signs (within a conservation area) – Advertisement Consent Granted on 28/05/2002.
- 2021/92816 – Change of use and alterations to second floor office to form 2 residential units – Approved on 9th May 2022.
- 2022/91300 – Alteration to convert coffee shop to building society including new shopfront, fire exit door and A/C condenser – Approved on 14th September 2022.
- 2022/91446 – Certificate of lawfulness for proposed use of ground and part first floor as use Class E – Granted on 24th June 2022.
- 2022/91616 – Advertisement consent for the erection of illuminated signs – Advertisement consent granted on 14th July 2022.
- 2022/92391 – Listed Building Consent for internal and external alterations to convert coffee shop to building society including new shopfront, fire exit door and A/C condenser units – Granted on 14th September 2022.

Further to the above:

- A listed building consent application (2021/93443) has been submitted alongside this planning application.

Representations

Final publicity date expires:

Neighbour letters expired on 13th October 2021; Press notice expired on 15th September 2021; Site notice expired on 7th October 2021.

No representations have been received.

Whilst additional and amended plans have been submitted these have not resulted in a significant change to what is proposed at the site therefore it was not considered necessary to reconsult.

Consultation Responses

KC Conservation: Concerns have been raised regarding the details in relation to the windows throughout the processing of this application. In relation to the latest plans, informally KC Conservation have noted concerns in relation to the lack of justification for replacing all existing windows and the lack of detail in relation to proposed windows, and have therefore requested a condition regarding this.

KC Environmental Health: Prior to determining the application, a noise impact assessment is required. Should permission be granted, an odour impact assessment is also required.

KC Town Centres: No comments received.

KC Highways Development Management: No objections subject to a condition in relation to waste storage and collection.

KC Waste Strategy: No comments received.

The above consultee responses are summarised. For full comments please see 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 Huddersfield Town Centre Conservation Area and within close proximity to a number of listed buildings. The site is also within Huddersfield Primary Shopping Area within Huddersfield Town Centre, and forms part of a Primary Shopping Frontage.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development

- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP13** – Town centre uses
- **LP14** – Shopping frontages
- **LP15** – Residential use in town centres
- **LP17** – Huddersfield town centre
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP25** – Advertisements and shop fronts
- **LP30** – Biodiversity and geodiversity
- **LP35** – Historic environment
- **LP43** – Waste management hierarchy
- **LP47** – Healthy, active and safe lifestyles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – 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 on 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 5** – Delivering a sufficient supply of homes
- **Chapter 7** – Ensuring the vitality of town centres
- **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, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Other Considerations:

- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide SPD (2019)

- Planning (Listed Buildings and Conservation Areas) Act 1990
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including the impact upon the historic Environment)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Policy LP2 states that: *“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...”*

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

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 onto note that achieving

sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.

Chapter 7 of the NPPF relates to ensuring the vitality of town centres and states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. Paragraph 86 states that it should be recognised that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

Policy LP13 of the Kirklees Local Plan relates to town centre uses and sets out that within Kirklees, main town centre uses shall be located within defined centres. These consist of principal town centres, town centres, district centres and local centres. This Policy outlines that proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported. This Policy goes on to note that main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported.

Policy LP17 of the Kirklees Local Plan states that Huddersfield Town Centre will be the principal focus for high quality comparison retail goods within the district, supported by a range of leisure, tourism, office (including high quality grade A office space), and other main town centres uses. Huddersfield town centre will also provide high quality educational facilities and opportunities for town centre living.

Policy LP14 of the Kirklees Local Plan relates to shopping frontages, and No.50 has a Primary Shopping Frontage within a Primary Shopping Area. Policy LP14 states that the Primary Shopping Area is the retail core for each town centre and uses within such area will be 'expected to maintain or provide active ground floor uses' and that retail uses within such area will be supported. In relation to Primary Shopping Frontages, Policy LP14 states that these are frontages that contain predominantly retail uses and where further retail uses will be focussed. LP14 goes on to note that within Primary Shopping Frontages, proposals should seek to continue retail uses in order to retain vitality and viability within the Centre and the strong retail core, and that retail will remain the predominant use of each primary shopping frontage.

Policy LP15 of the Kirklees Local Plan relates to residential uses within town centres and sets out that such uses (including student accommodation) will be supported subject to:

- a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;

- b. the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;
- c. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,
- d. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;
- e. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;
- f. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
- g. provision of affordable housing in accordance with policies set out in the Local Plan; and
- h. the provision of refuse storage and collection.

Whilst the proposal is for a residential use at a site within the Primary Shopping Frontage in the Primary Shopping Area of Huddersfield Town Centre, the residential apartments are proposed on the first and second floors of the building and does not relate to a change of use of the ground floor and no external alterations to the ground floor frontage along New Street. The change of use of the upper floors proposed could therefore potentially be acceptable subject to other materials considerations. Of note, it is also accepted that residential development can play an important role in ensuring the vitality of centres.

Thus, the principle of the proposed change of use could be acceptable, but the principle of the change of use will be subject to other considerations which shall be discussed below, including points (b) and (d)-(h) of Policy LP15 of the Kirklees Local Plan.

2 – Impact on visual amenity (including impact upon the historic environment):

As noted above, the site is within the Huddersfield Town Centre Conservation Area and is within close proximity to a number of listed buildings including No's. 40, 42/44/48, 52, 54, 56, 61 New Street, No's 3. and 6/7 Union Bank Yard.

Section 66 of the Planning (Listed Buildings & Conservations 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, Policy LP35 of the Kirklees Local Plan 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 terms of design, the NPPF offers guidance 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 KLP 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...”

The only external alterations proposed relate to replacement windows/openings and two new openings on the eastern elevation.

Throughout the processing of this application, Officers have raised a number of concerns with the details provided in relation to the external works, for example due to plans not accurately reflecting site circumstances, due to a lack of clarity with what is proposed and concerns with the overall detailing.

Of note, the latest set of plans display the full replacement of the existing windows of the building at No's. 1-2 Union Bank Yard. No justification has been provided for this and KC Conservation have raised significant concerns with this noting that they are unable to support the replacement of the historic windows on the north and west elevations as there is no evidence that the existing are beyond repair and in need of replacement. KC Conservation have also stated that these historic windows should be retained and restored, with

secondary glazing fitted where necessary. Officers concur with KC Conservation and this information is required so as to preserve the significance of the listed building and the conservation area.

KC Conservation note that if replacement windows are accepted, these would need to replicate the historic details and details of this would also be required. It is noted that a window plan has displayed top hung windows, whilst the historic windows are traditional sash windows. There are also no details whether such replacement windows are single glazed or double glazed. In addition, the former loading door on the link building may need to be treated differently to the other windows. The cill of the proposed windows appears to be going too far out from the reveal too. Details of the proposed obscured glass have also not been provided, and Officers hold the view that a plain etched glass is more appropriate than patterned glass.

Therefore, if replacement windows are considered acceptable, Officers would also require further details of these, as well as new windows, so as to preserve the significance of the listed building and conservation area.

Given the above, it is considered that a suitably worded condition is required in relation to openings to the building and should imposed It is considered that such a condition would prevent detrimental harm to the visual amenities of the locality as well as prevent harm to the significance of the Huddersfield Town Centre Conservation Area and the significance of the nearby Grade II listed buildings and their setting. It is therefore considered that the proposal would comply with Local Plan Policies LP24 and LP35 and Chapters 12 and 16 of the National Planning Policy Framework. As listed building consent is required for the replacement windows, the requisite conditions will be imposed on the allied application for listed building consent, not this planning permission.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Policy LP52 states that proposals which have the potential to increase pollution from noise 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.

Furthermore, Policy LP15 (d) outlines that residential schemes in town centres will need to demonstrate the protection of the amenity of existing residents and future occupiers of the proposed residential use, with particular consideration being given to matters such as privacy, noise and air quality.

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.

Paragraph 185 of the NPPF states that planning decision should ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

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.”*

No's.6, 7 and 7a Union Bank Yard to the rear of the site are within a residential use. In addition, a flat in No.3 Union Bank Yard is also located to the rear of the site. Furthermore, planning permission has been granted for apartments at the second floor of No.50 New Street (LPA ref: 2021/92816).

It is not proposed to extend the building therefore it is considered that undue harm to neighbouring residential properties in terms of loss of light, loss of outlook and the creation of an overbearing effect would be avoided.

Two new windows are proposed in the east whilst there are windows within the west elevation of the proposed approved flats within of No.50 New Street. However, the proposed windows within the eastern elevation are displayed to be obscurely glazed and this can be conditioned so as to prevent undue harm in terms of loss of privacy to proposed occupiers of these flats. It is considered that the proposal would not unduly harm the privacy of the neighbouring residential properties to the rear of the site.

As outlined in local and national policy, consideration also needs to be given to the amenity of future occupiers. Principle 16 of the Kirklees Housebuilders Design Guide SPD outlines that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers, and references the Nationally Described Space Standards.

The Nationally Described Space Standards set out minimum recommended space standards, and for a 1 storey studio they recommended a minimum gross internal floor area of 37m² for a studio apartment (with a shower) and 61m² for a 1 storey 2 bedroom residential unit. As the two studio apartments at first floor level are 37m² they would just meet the minimum standards set out within the NDSS. In terms of the 2 bedroom apartment at second floor level, this would be 61m², and therefore would also meet the minimum standard within the NDSS. All habitable rooms would also benefit from clear glazed windows with an adequate level of natural light. The level of internal amenity is therefore considered acceptable.

In addition, Principle 17 of the Kirklees Housebuilders Design Guide SPD states that all new houses should have adequate access to private outdoor

space that is functional and proportionate to the size of the dwelling and the character and context of the site. The lack of external amenity space in this instance is considered unfortunate, but given the town centre location of the site, this is deemed acceptable in this instance by Officers.

Furthermore, the proposed development will be introducing new noise sensitive receptors close to existing noise sources (i.e. it is on a main town centre thoroughfare and is within the immediate vicinity of a number of commercial uses). KC Environmental Health have noted that noise could potentially come from traffic noise, pedestrian/customer noise and noise associated with the business below and from nearby businesses (including noise from refrigeration and ventilation systems). For this reason KC Environmental Health have stated that prior to the determination of the application, a noise impact assessment should be submitted. Whilst the concerns of KC Environmental Health are understood, the dwellings would be adjacent to other residential uses and there are no high noise generating uses adjacent to or within very close proximity to the site (with the public house that previously existed to the rear of the site is now in another use). It is therefore considered that this matter could be adequately dealt with by means of condition. This should be provided prior to the first occupation of any of the units.

KC Environmental Health have noted that a condition is also recommended for the details of the soundproofing of the apartments and the business on the ground floor. However, given that the ground floor use is proposed to be used as a building society which does not operate at unsociable hours, it is considered that such a condition is unnecessary and that this could be included in the noise impact assessment instead.

In addition, as there is a café close to the site (Merrie England), this raises concerns regarding potential odours that could impact on the amenity of future residents. As a result, it is considered that an Odour Assessment should be submitted to ensure an adequate living environment for future residents in terms of odour.

Subject to conditions, it is considered that an acceptable living environment for existing and future residents could be achieved, and it is considered that the proposed development complies with Local Plan Policies LP24 and LP52, and Chapters 12 and 15 of the National Planning Policy Framework, as well as Principles 6 and 16 of the Housebuilders Design Guide SPD.

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.”* This is echoed in Policy LP21 of the Kirklees Local Plan.

Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.

Principle 19 of the Housebuilders Design Guide SPD states that: *“Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.”*

Whilst there is no parking provision on site for the proposed residential units, Officers consider this is acceptable in this instance as these 3 apartments would be sited within a sustainable town centre location, with good access to services, facilities and public transport. KC Highways Development Management have also raised no objections in relation to development being ‘car free’.

In terms of waste management, KC Highways Development Management (HDM) have stated that there are currently trade waste collections for two properties located in Union Bank Yard and that the bins are pulled out onto New Street. Kirklees HDM go on to state that it is not appropriate for any bins to be stored/located on New Street.

With reference to the Kirklees Waste Management Design Guide for New Developments, HDM note that the development would require at least 4 x 240 litres bins. These have been displayed to the rear of No.1-2 Union Bank Yard, beyond the red line area. Due to this, Officers queried whether there would be a right of access to these bins for future occupiers. In response, the applicant’s agent has noted that bins in connection with the previous café use were already stored here (Officers viewed this on their site visit and photographic evidence was provided by the applicant’s agent of this) and has been done so for a ‘long period of time’. The applicant’s agent also noted that the applicant also had the right to use this bin storage area and that the applicant was ‘technically’ the owner of such an area. Officers have no evidence to the contrary and given this, the storage area is considered acceptable whilst still being able to provide bin storage for a future commercial use at the ground floor.

It is considered details of waste collection could be conditioned should permission be granted. Thus, subject to such a condition, it is considered that the proposal is in accordance with Policy LP15(h) of the Kirklees Local Plan.

Given the above, the impact upon highway safety is therefore considered to be acceptable. The proposed development is therefore considered to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – 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.

Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into developments.

Considering the proposal would only result in the change of use of part of the first and second floors to provide three modest sized apartments, and that no external extensions are proposed, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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.

In addition to this, Principle 9 of the Kirklees Housebuilders Design Guide SPD sets out that:

“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. At the outset of the design process the wildlife habitat network and Habitats of Principal Importance should be considered in addition to protected species and the maintenance and management arrangements for any wildlife spaces need to be clearly set out.”

The proposal relates to the change of use of the first and second floors of the existing building therefore it is considered that the proposal is unlikely to result in adverse harm to protected species.

Coal Mining:

The site is located in a Coal Mining Development High Risk Area (where coal mining risks are present at shallow depth which are likely to affect new development). When referring to the Planning Practice Guidance, it outlines that if no ground works are proposed as part of this development, then a Coal Mining Risk Assessment (CMRA) will not need to be submitted alongside the application. As the proposal relates to a change of use of the first and second floors only, then it is considered that a Coal Mining Risk Assessment is not required and that the proposal is not at risk from previous mining activities.

Affordable House:

Policy LP15 (g) sets out that in relation to proposals for residential development in town centres, regard should be had to the provision of affordable housing in accordance with policies set out in the Local Plan. Policy LP11 of the Kirklees Local Plan sets out that affordable housing will be sought of housing developments of more than 10 homes, therefore affordable housing would not be sought in this instance.

6 – Representations:

No representations have been received.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2021/93442

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 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 Policies LP10, LP13, LP21, LP22, LP24, LP30, LP32, LP48, LP50, LP51, LP52, LP56 and LP57 of the Kirklees Local Plan and Chapters 6, 7, 8, 9, 12, 13, 14 and 15 of the National Planning Policy Framework.

3. Prior to the first occupation of the residential units hereby approved, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development, including commercial uses on the ground floor, shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required) which shall also take into account the listed building status of the building.

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In order to provide a good standard of amenity for future occupiers of the proposed development which also preserves the significance of the listed building in accordance with Policies LP24, LP35 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Prior to the first occupation of the residential units hereby approved, an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The report shall:-

- detail all the potential sources of odour in the vicinity of the application premises
- determine the potential of adverse impact on the proposed development from these potential sources of odour
- detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity which shall also take into account the listed building status of the building.

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In order to provide a good standard of amenity for future occupiers of the proposed development which also preserves the significance of the listed building in accordance with Policies LP24, LP35 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework

5. Prior to the first occupation of any of the dwellings hereby approved, details of 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 ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety, and to accord with Policies LP15(h), LP21, LP24d(vi), LP43 and LP52 of the Kirklees Local Plan and Chapters 9, 12 and 15 of the National Planning Policy Framework.

NOTE: Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.

- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: The applicant is reminded that the carrying out of unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	-	-	31 st August 2021
Location Plan	00	A	3 rd September 2021
Existing Floor Plans	02	-	24 th February 2023
Existing Elevations	03	A	24 th February 2023
Proposed Floor Plans	07	-	24 th February 2023
Proposed Elevations	08	-	24 th February 2023
Window Detail	10	-	20 th December 2022
E-mail from applicant's agent received on 24 th February 2023 in relation to windows	-	-	24 th February 2023
Proposed Sections	09		20 th December 2022
Bin Storage Plan	17	-	16 th March 2022

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. No amendments have been sought for this application.

Concerns were raised whilst processing the application in relation to the openings, especially due to a lack of clarity of what is proposed. Whilst clearer

plans have been submitted, Officers still had concerns with some of the elements proposed, but consider that these can be adequately dealt with by condition within the allied application for listed building consent.

In addition, Officers requested further details in relation to the bin storage areas. This was provided and Officers are satisfied with such a solution.

Report Dated: 14/04/2023