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:	**2021/62/94305/W**
Site Address:	129, Trinity Street, Huddersfield, HD1 4DU
Description:	Change of use and alterations to convert existing dwelling to form 4 apartments and student accommodation (within a Conservation Area)
Recommending Officer:	Katie Chew

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 18th July 2022

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Officer Report

Site Description

129 Trinity Street, Huddersfield, HD1 4DU

The application site relates to a four-storey stone built semi-detached dwelling located at the junction of Trinity Street with Vernon Avenue in Huddersfield. The property benefits from amenity space to the front and sides, with a driveway to the east of the dwelling for off-street parking.

The site is located within Greenhead Park/New North Road Conservation Area, and to the north of the site there are a number of Listed Buildings.

Description of Proposal

The application seeks planning permission for the change of use and alterations to convert existing dwelling to form 4 apartments and student accommodation (within a Conservation Area).

Flat 1 (basement) has an internal floorspace of approximately 52.51sqm, and comprises of 1 bedroom, a bed area, living room, kitchen and bathroom.

Flat 2 (ground floor) has an internal floorspace of approximately 51.30sqm, and comprises of 2 bedrooms, living room, kitchen and a wet room.

Flat 3 (ground floor) has an internal floorspace of just 28.86sqm and comprises of a studio layout which includes the kitchen and living room within the bedroom area. A separate shower room is also provided.

Flat 4 (first floor) has an internal floorspace of just 29.19sqm and comprises of a studio layout which includes the kitchen and living room within the bedroom area. A separate shower room is also provided.

The student accommodation, presumably similar to a house in multiple occupation would provide 4 bedrooms, 2 bathrooms, 1 WC, and a communal space. The overall internal floorspace equates to approximately 151.79sqm. This is within the first floor and the roof space.

External alterations include the installation of 1 new window within the south-eastern elevation of the dwelling.

History of negotiations/amendments received

Additional plans were requested to show the proposed new window that is to be installed within the eastern elevation of the building. No section drawings were provided and were not requested in this instance as the proposals were

deemed to be wholly unacceptable for a number of reasons relating to residential amenity.

Relevant Planning History

2012/90516 – Change of use to convert dwelling to house of multiple occupancy (student accommodation) (Within a Conservation Area). Approved 27th April 2012.

Planning Enforcement Cases

COMP/12/0042 - Alleged unauthorised change of use.

Representations

Final publicity date expires:

Neighbour Letters – Expired 21st December 2021.

No representations have been received to date.

Officer note: We are currently undertaking the legal 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 only, details of which are outlined above. Whilst it is acknowledged that the site is located within a Conservation Area and in close proximity to Listed Buildings to the north, advertisement by site or press notice was not deemed necessary in this instance as the proposals seek to do a simple change of use, whereby works have already begun. No external changes are proposed other than 1 window within the south-eastern elevation which would be somewhat hidden from public view and would be located away from neighbouring Listed Buildings. In the interests of visual amenity, should planning permission be granted this window should be conditioned to be finished in materials to match existing windows within the host dwelling.

Consultation Responses

KC Highways Development Management – Comments received 26th January 2022. No objections, although highways do note that the property will not be eligible for permit parking as it is an increase in units within the same building footprint.

KC Environmental Health – Comments received 2nd December 2021. No objections as it is not considered that there are to be any significant environmental health impacts with this development.

Local Ward Members

N/A.

Parish/Town Council Comments

N/A.

Planning Policy Background

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is unallocated within the Kirklees Local Plan but is located within Greenhead Park/New North Road Conservation Area and a Bat Alert Area. it is also important to note that there are numerous Listed Buildings to the north of the site.

Officer note: Whilst it is acknowledged that the application site is location within a coal referral area, given the nature of the proposals is for a simple change of use, it is considered reasonable to not request a Coal Mining Risk Assessment in this instance.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and effective use of land and buildings**
- **LP11 – Housing mix and affordable housing**
- **LP20 – Sustainable Transport**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP35 – Historic Environment**
- **LP52 – Protection and Improvement of Environmental Quality**

Other Guidance Documents:

- Housebuilders Design Guide Supplementary Planning Document (2021)
- Kirklees Highway Design Guide (2019)
- Nationally Described Space Standards

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

1) Principle of development
1) Scale, design and visual impact of the proposed development
2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
3) Impact on highway safety
4) Other matters
5) Conclusion

1 - Principle of Development:

The proposal would lead to the formation of four residential flats and four student apartments; therefore, it is considered appropriate to consider the Councils housing land supply position.

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). 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. Having taken into account general policies regarding the conversion of buildings, within the wider context, it has been considered that the principle can be supported, subject to an assessment against other material planning considerations below.

Furthermore, Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

The site is without notation on the Kirklees Local Plan, Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to state that:

'The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'.

In this instance Policy LP11 is also relevant as the scheme aims to convert an existing dwelling into 4 residential flats and a further element of shard accommodation akin to a small HMO. Furthermore, the policy states that *'all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need'.*

Having taken into account general policies regarding the conversion of buildings, within the wider context, it is considered that the principle can be supported in this instance, subject to an assessment against other material planning considerations below.

2 - Impact on Visual Amenity:

The site is located within Greenhead Park/New North Road Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Furthermore, LP35 states "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". Whether harm

exists, and whether it is substantial or less than substantial, is assessed in the report.

Alongside the above, Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

In this instance, it has been noted that the majority of the works consist of internal alterations with just the installation of 1 additional window on the south-eastern elevation. The proposed window has been considered acceptable in terms of its location, size and design as it would be centrally placed and would be small in scale and size and reflective of windows already installed within the dwelling. As no details have been provided in respect to materials to be used within this window, should planning permission be granted a condition should be attached requiring the window to match other windows which currently exist on the host property. This is to accord with Policies LP24 and LP35 of the KLP.

The proposed development is therefore considered to comply with the aims of Policies LP1, LP2 and LP24(a) of the Kirklees Local Plan, as it would not adversely affect the character and significance of the Conservation Area. Instead, the development will help to generate long-term income for the building, which in turn would also help assist the building's long term conservation. This would accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

"maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers'.

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 occupiers.

With regards to residential amenity, the proposal seeks to convert the whole of the existing dwelling into 4 residential flats and 4 units of student accommodation, which appears to be akin to a small HMO. As such, it can be said that the development is unlikely to significantly intensify the use given the size of the units to be provided. In addition, KC Environmental Health were formally consulted and raised no concerns in respect to noise disturbance.

The external alterations include the installation of 1 new window on the eastern elevation. In this instance, the outlook would be across to adjacent neighbouring property no. 127 Trinity Street. This neighbouring property has a blank gable end and therefore there are no concerns in regards to overlooking or loss of privacy.

Amenity of future occupiers

Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this instance no changes are proposed to the existing private outdoor space to the front and sides of the dwellinghouse.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. This makes reference to the 'Nationally Described Space Standards' document (March 2015). The Council recognises the NDSS as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers; whilst recognising these standards do not form part of a Policy within the adopted Development Plan.

Flat 1 has an internal floorspace of approximately 52.51sqm, the bedroom has a width greater than 2.75m as recommended within the NDSS. Whilst only 1 official bedroom has been provided there is a 'bed area' located to the rear of the flat. This 'bed area' would not provide a width greater than 2.15m (for a single bedroom) and would not provide a floor area of at least 7.5sqm. Therefore, this space is not deemed to be acceptable as part of this flat. The overall internal floorspace however, would be suitable for a one bedroomed flat for just 2 people. Whilst no section drawings are provided, given the flat's location at basement level it is reasonable to assume that minimum head heights could be provided here. In terms of habitable room windows, all habitable rooms do have access to at least one window. However, given its basement location it is considered that future occupiers of this flat would have a limited amount of natural light and outlook from these windows.

Flat 2 has an internal floorspace of approximately 51.30sqm, and each bedroom has a width greater than 2.75m as recommended within the NDSS. It is noted however that this flat would be acceptable if it were to accommodate just 1 bedroom for 2 people however, 2 double bedrooms are shown and therefore the floor space proposed would not be sufficient in this instance. It is also noted that all habitable rooms have access to at least 1 window. Although given the location of the window proposed in the middle bedroom, which would look out towards the gable end of no. 127 Trinity Street, it is considered that outlook would be restricted from this room. Finally, given that this flat is to be at ground floor level it is reasonable to assume that minimum head heights would be provided.

Flat 3 has an internal floorspace of just 28.86sqm. The bedroom does however have a width greater than the 2.75m as recommended within the NDSS. The flat would have access to 3 windows on the north-eastern (front) elevation of the dwelling and given its ground floor location, it is deemed reasonable to assume that the minimum head heights can be provided. Although, it is noted that the internal floorspace provided for this flat would not meet the minimum requirements for just a single occupant (37sqm) and therefore would not be deemed to be acceptable in this instance.

Flat 4 has an internal floorspace of just 29.19sqm. The bedroom does however have a width greater than the 2.75m as recommended within the NDSS. The flat would also have access to 3 windows on the north-eastern (front) elevation of the dwelling. Given its first-floor location it is considered reasonable to assume that minimum head heights would be provided. Although, it is noted that the internal floorspace provided for this flat would not meet the minimum requirements for just a single occupant (37sqm) and therefore would not be deemed to be acceptable in this instance.

The student accommodation would provide 4 bedrooms, 2 bathrooms, 1 WC, and a communal space. The overall internal floorspace equates to approximately 151.79sqm, this would accord with the Nationally Design Space Standards which recommend that a 2 storey 4 bedroomed property for up to 8 occupants should provide a floorspace of at least 124sqm. The bedrooms individually are discussed below in more detail.

Student Bedroom 1 measures approximately 2.85m in width, has an acceptable head height given its first-floor location, and has access to 3 windows on the north-eastern elevation (front) of the dwellinghouse. This bedroom is deemed to be acceptable.

Student Bedroom 2 measures approximately 4.29m in width, has an acceptable head height given its first-floor location, and has access to 3 windows on the north-eastern elevation (front) of the dwellinghouse. This bedroom is deemed to be acceptable.

Student Bedrooms 3 & 4 are located within the attic of the existing host dwelling, whilst they both would have a width greater than 2.74m, as no section drawings have been provided officers are unable to assess the extent of head heights on this floor, which are presumed to impact on the overall useable floorspace of these bedrooms given the roof slope. In addition to this, these bedrooms have no access to any windows other that installed roof lights, therefore there would be restricted natural light and outlook for any future occupiers. For these reasons, these bedrooms are not considered to be acceptable in this instance.

In this instance officers have noted that the internal floor space of Flats 1, 2, 3 & 4 would be significantly below the recommended Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes can meet basic lifestyle

needs and provide high standards of amenity for future occupiers. The development would also only provide outlook and natural light from rooflights in student bedrooms 3 & 4, there are also concerns in respect to Flat 1 which is located at basement level, and the middle bedroom of Flat 2 which would have a poor outlook. It is therefore concluded that to approve such an application would be contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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.

The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders Design Guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Given the nature of the proposals the Council's Highways officers were consulted. Officers raised no objections to the proposals although they did note that the property will not be eligible for permit parking as it is an increase in units within the same building footprint. The application site is located within close proximity to Huddersfield Town Centre and there are a number of public transport links within the area.

The intensive use of the property to create 4no. flats, a 4-bed unit of student accommodation would require significant Waste Storage facilities in accordance with the Council's Waste Management Design Guide for New Developments. No details have been submitted with this application. There is space to the side of the property where bins could be stored, and space at the back edge of the footway where they could be presented, without detriment to amenity or highway safety. If this application was deemed acceptable, appropriate measures for the storage and collection of wastes could be imposed by planning condition in accordance with LP24 of the Local Plan.

Given the above, it is therefore concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21, LP24 and LP22, principles 12 and 19 of the Housebuilders Design Guide SPD and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

<u>Biodiversity</u>

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance and Principle 9 of the Housebuilders Design Guide SPD states that proposals are required to provide net gains in biodiversity, with
ecological enhancement integral to the design of the development.

Whilst it is acknowledged that the application site is located within a Bat Alert Area, given the nature of the proposals, taking the existing use of the dwelling into consideration and the brightly lit urban environment in which it is situated, it is considered unlikely that roosting bats would be disturbed during construction works. However, an informative is to be provided should the application be recommended for approval. For similar reasons, it is considered unreasonable to request a net gain in biodiversity in association with this development.

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 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 proposals.

Given the nature of the proposals for a simple change of use to an existing dwelling, no special measures were required in terms of the planning application with regards to carbon emissions. It would provide for the re-use of an existing building and it is noted that there have been some recent changes to fenestration. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide and Chapter 14 of the National Planning Policy Framework.

6 - 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 not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2021/94305

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1. The proposed development, by reason of the severely limited amount of useable internal floorspace for Flats 1, 2, 3 & 4, likely compromised useable floorspace for student bedrooms 3 & 4 and lack of outlook for flat 1 and student bedrooms 3 and 4 would provide a poor standard of amenity for future occupiers. Therefore, the development would be contrary to the aims of paragraph 130f of the National Planning Policy Framework, Principle 16 of the Housebuilders Design Guide SPD and Policy LP24(b) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Floor Plans as Existing	21.1144/(EX)01	-	15th November 2021
Floor Plans as Proposed	21.1144/(AL)01	B	10th 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Additional plans were requested to show the proposed new window that is to be installed within the eastern

elevation of the building. No section drawings were provided and were not requested in this instance as the proposals were deemed to be wholly unacceptable for reason relating to residential amenity.

Report Dated:

18/07/2022