

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:	2023/62/90421/W
Site Address:	Commercial Inn, 43, Church Street, Paddock, Huddersfield, HD1 4UB
Description:	Conversion of public house to create 5 flats and associated works
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 15th September 2023

Officer Report.

Reference: 2023/90421

Location: Commercial Inn, 43, Church Street, Paddock, Huddersfield, HD1 4UB

Proposal: Conversion of public house to create 5 flats and associated works

Site Description.

43 Church Street currently stands as a vacant public house to the ground floor, an apartment on the first floor and storage in the basement. The building is of mixed heights, consisting of single storey, two storey and three storey parts, with the predominant materials stone, brick and roof tiles. The building is located within a residential area, adjoining the residential property of No. 47 Church Street.

The building benefits from a hard surfaced outdoor amenity to the rear, which can be accessed off the highway of Speedwell Street. The building also benefits from several garages.

The application site is located 20 metres from the nearest Listed Building, No. 59 Church Street, located west of the site. Several other properties surrounding the site are also of Listed status, including the other residential properties further westward, as well as Paddock Lodge and other residential properties opposite the site.

Description of Proposal.

Planning permission is sought for the conversion of public house to create 5 flats and associated works.

To the principal elevation of the building, facing onto the highway of Church Street, the only external modifications proposed are to the access. The existing external staircase will be modified, to be increased in scale.

To the rear elevation, the existing brickwork part of the building will be refaced, and the windows would be re-designed and re-located. A terrace will be created to the flat roof above this part of the building, will balustrade and an extension of the existing external staircase.

Another part of the building to the rear will also be refaced to the ground floor and the garage doors will be replaced by windows and a regular access door.

Whilst no details of the materials to reface the aforementioned parts of the building have been provided, the submitted drawing (ref: (100)04) suggests that horizontally laid grey composite cladding would be used. This would be to a flat roof section of the building which is currently rendered and painted orange.

To the western side elevation of the building, very minimal alterations are proposed to fenestration, with most of the existing windows to remain, one to be removed and two small linear windows to be added.

Two windows are to be installed to the southern most elevation of the building.

Fencing will be erected around the curtilage of the site, with an opening retained for pedestrians and vehicles.

History of Negotiations/Amendments Received.

Within the initial consultation response from KC Policy, a sequential test was requested in accordance with policy LP13 of the Kirklees Local Plan.

In response to this, the applicant/planning agent submitted amended plans to remove the retail use from the ground floor of the building.

The applicant/planning agent provided written agreement, via email, to change the original description of proposal to reflect the above amendments.

The amendment to the description / plans was not considered to require re advertisement as the proposal would fall within the scope of the initially publicised description of development.

Planning History.

No relevant planning history at the application site or to any of the neighbouring buildings.

Publicity and Representations.

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired = 11th April 2023.

In response to the above publicity, three objections were received. These objections raised the following concerns:

- Loss of privacy, overlooking from windows.
- Loss of a historically important building for housing, with plenty of housing in the area already.

Although amended plans were submitted, it was not deemed necessary to re-advertise the proposal. This is because the amendments saw the removal of the retail element, overall, considered to reduce any potential impacts upon

residential amenity. In turn, it is not considered that the removal of the retail element would give rise to any further objections.

Consultation Responses.

KC Environmental Health (formal) – Do not object to the proposal, with the inclusion of several conditions.

It should be noted that the consultation response from KC Environmental Health was received prior to amendments to remove the originally proposed ground floor retail use. As such, some of the conditions, as recommended by Environmental Health, are no longer considered reasonable.

KC Policy (formal) – Following amendments, conclude that the proposal meets the required tests within the Local Plan and therefore, do not object to the proposal. Further details of the consultation responses are set out within the 'Principle of Development' section of this report.

KC Highways Development Management (formal) – Conclude the application to be acceptable on highways grounds, with the inclusion of several conditions.

KC Conservation and Design (informal) – Considers that, on balance, works would be reasonably modest, with a neutral impact.

Policies and Legislation.

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 application site is located 20 metres from the nearest Listed Building, No. 59 Church Street, located west of the site. Several other properties surrounding the site are also of Listed status, including the other residential properties further westward, as well as Paddock Lodge and other residential properties opposite the site.

The application site is located within an area with a known presence of bats.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP8 – Safeguarding Employment Land and Premises
- LP13 – Town Centre Uses
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design

- LP30 – Biodiversity and Geodiversity
- LP35 – Historic Environment
- LP48 – Community Facilities and Services
- LP51 – Protection and Improvement of Local Air Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, 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 7 – Ensuring the Vitality of Town Centres
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Other Material Considerations:

- Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Development (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders design guide SPD (2021)
- National Planning Practice Guidance (Last updated 24 June 2021)

Assessment.

The following matters are considered in the assessment below: -

- 1) Principle of development
- 2) Impact on visual amenity and Historic Environment
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Other than been located within a Bat Alert Zone on the Council's GIS mapping system, the site has no further Allocations within the Kirklees Local Plan.

The site is located approximately 115m and 260m away from the nearest defined centres at Paddock Foot (LCB42) and (LCB41) as designed in the Kirklees Local Plan. Following the submission of amendments, the proposal is for the conversion of public house to create 5 flats and associated works. With the initially proposed retail element being removed from the proposal, the proposal is no longer subject to the requirements of Policy LP13 of the Kirklees Local Plan, including the need for a sequential test.

With regard to LP48 of the Kirklees Local Plan, Community Facilities and Services, the applicant has sent an e-mail advising that the pub closed in around 2012 and that there is no demand for public houses in the area as evidenced by the closures of competing public houses such as The Angel, The Royal Oak (which closed around 2014), the Tam O'Shanter and The Shop. The applicant also cited other issues such as the unfavourable economic circumstances and has also stated that the pub was on sale for several months.

Paragraph 17.17 in the Local Plan states that applicants will normally be required to provide evidence covering the results of reasonable attempts to actively market the land or premises for sale or lease, at existing use value to demonstrate that there is no longer a need for the facility. 17.18 goes on to state that information will be required for licensed premises including the last 3 years of trading accounts with a breakdown of the percentages of income from food and drink.

The applicant has provided information on the marketing of the premises and with the pub having been closed for more than 10 years, it would not be possible to fulfil the requirements of paragraph 17.18. Taking these considerations into account, it is considered that the use of the pub is no longer commercially viable and therefore criterion b of Local Plan Policy LP48 is applicable. Therefore, the proposed change of use is in accordance with LP48.

With regard to the provision of residential units, "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 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. The site is approx 500m² which provides a housing density of 100 dwellings per hectare. The site, being previously developed land which currently has a vacant building upon it is considered to be previously developed land where redevelopment is sought to take place.

In this case is it considered that the principle of the development is acceptable and whilst the former use is that which falls within the category of community use, given the length of time this use has not been undertaken from the site and the fact other similar facilities which would have been in competition with the site (had it been in use) have also since closed it is clear the current use of the site is not viable.

The principle of the development is concluded acceptable subject to meeting the requirements of the following considerations.

1) Impact on Visual Amenity and Historic Environment

Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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.

LP24 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...”

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Policy LP11 sets out 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.

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The main alterations to the building under this proposal are to its external appearance with regard to materials and fenestration details.

The changes to fenestration are considered to be in keeping with the architectural form of the existing building, with only regular windows and access doors proposed to be installed where works are to be carried out.

In addition, the use of grey horizontal cladding is considered to be an acceptable contemporary addition. The existing finish is somewhat out of keeping with the host property and the surrounding area and the works will see an overall improvement by re-vitalising a currently vacant and deteriorating building.

Further to the changes above, the proposal also includes the creation of a terrace to the flat roof. Whilst this will increase the extent of balustrade around the building. This is considered to be acceptable, with the balustrade to match the appearance of the existing external staircases and also other forms of balustrade in the area, including that around the parameters of the neighbouring Speedwell Surgery, No. 1 Speedwell Street.

Fencing is also considered to be an acceptable form of boundary treatment, previously established to the curtilage of the site and to various other properties within the immediate vicinity.

As such, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality and would comply with Policy LP24(a) and (c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Historic Environment:

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.

Due to the site's location, in the context of surrounding Listed Buildings, Paragraph 195 of the NPPF is relevant, which requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

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.”*

The requirements of Section 72 & 66(1) of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990 are also relevant.

Upon informal consultation, KC Conservation and Design concluded that the proposed external changes would be reasonably modest, with a neutral impact that would not have a detrimental impact on the wider streetscene. It should also be noted that KC Conservation and Design stated that the proposal has an overall benefit, reinvigorating a current vacant and derelict

building that, without development, could continue to worsen in state and appearance.

With regard to the proposed terrace, the KC Conservation and Design Officer provided some more detailed comments, stating that it would be enclosed from any appreciation of the Listed Buildings.

The KC Conservation and Design Officer also provided in-depth comments about the works to the front steps, concluding the modifications to these steps to be an enhancement, appearing to uplift the frontage.

The KC Conservation and Design Officer did suggest a condition upon any grant of approval, to state that the balustrade should be of a black wrought iron appearance and also that the needs steps should be similar in appearance and materials to the existing front steps.

Subject to inclusion of these conditions the proposal is considered to lead to no harm to historic assets and would be acceptable in this regard, in accordance with the aforementioned policies and legislation.

2) 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.*”

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 House Builders Design Guide sets out 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.

Principle 17 of the Council’s adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

Impact to Neighbouring Occupiers:

No. 47 Church Street adjoins the application site to the west. The proposed modifications to the building do not include any extensions, with changes proposed only to the external materials and fenestration. In turn, it is not concluded that the works would result in any undue impacts of overbearing or overshadowing for the occupiers of No. 47 Church Street. Within the western

side elevation of the building, there are windows proposed. To avoid any undue impacts of overlooking from these windows, upon any grant of permission, a condition would be imposed to ensure that these windows are obscurely glazed and non-opening.

No. 2 Speedwell is located to the rear of the site. Given that the proposed modifications would not include any extensions, the development is not considered to result in any undue impacts of overbearing or overshadowing. With regard to the new windows proposed to the rear most elevation of the building, these would be located approximately 8 metres from the blank northern side elevation of No. 2 Speedwell, and therefore, would not be considered to result in any undue impacts of overlooking.

Impact on Future Occupiers:

The proposal includes 5 residential units.

The two bedroomed flat to the ground floor would have two bedrooms, with two double beds indicating up to 4 occupiers. This flat would have an internal floor space of approximately 72m³. In turn, this flat complies with the Nationally Described Space Standards. It is also noted that all habitable rooms would be served by a window.

The two bedroomed flat to the first floor would have two bedrooms, with two double beds indicating up to 4 occupiers. This flat would have an internal floor space of approximately 81m³. In turn, this flat complies with the Nationally Described Space Standards. It is also noted that all habitable rooms would be served by a window.

The three bedroomed flat to the first floor would have three bedrooms, with three double beds indicating up to 6 occupiers. This flat would have an internal floor space of approximately 96m³. In turn, this flat complies with the Nationally Described Space Standards. It is also noted that all habitable rooms would be served by a window.

The one-bedroom flats to the second floor would both have a double bed, indicating up to 2 occupiers in each. One would have an internal floor area of 46m³ and the other 57m³. Both flats would have windows to serve all habitable rooms internally and the flat with an internal floorspace of 57m³ would be compliant with the requirements of the Nationally Described Space Standards.

Whilst officers note that the one-bedroom second floor flat with an internal floorspace of 46m³ falls slightly short of the Nationally Described Space Standards, given that it falls short on the basis of two occupiers rather than one, as well as well-designed layout with regard to windows and the provision of external space, on balance, it is not considered reasonable to refuse permission on this basis given its use as a one person one bed flat would meet the NDSS requirement.

With regard to the provision of outdoor amenity space, it would appear as though the residential units would benefit from a shared terrace to the second floor, with external access via an external staircase and direct access from an internal door for the occupiers of the second-floor flats.

Whilst a bedroom window faces the open terraced area at the first floor level, it is considered it would not be of benefit for screening to be incorporated or this window re sited and the layout of the flat reconfigured given it would see the bedroom window potentially overlooking neighbouring occupiers and would see the main habitable living space windows in this location. It is considered that, on balance when considered against the development as a whole, this relationship is acceptable in this case.

3) 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.”*

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. 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.

This application is for the conversion of a public house to create 5 flats with parking and a new access on to Speedwell Street, a 30mph two-way single carriageway local access road of approximately 5.8m width with footways on both sides and street lighting present.

C640 Church Street fronts the site and is a 30mph two-way single carriageway local distributor road of approximately 9.7m width with footways on both sides and street lighting present Church Street joins Speedwell Street at a four arm priority junction and there are No Waiting At Any Time TRO markings on both sides on each arm of the junction, extending along the full frontage of the site along Church Street.

Church Street hosts a medium frequency bus route and there are stops within 35m of the site, with stops on a high frequency route within 470m of the site.

The closest convenience stores are approximately 220m from the site.

The junction of Church Street and Speedwell Street has a junction speed table which may indicate speeding issues in the past. A search of the Kirklees accident database reveals 6 collisions within the local area in the last 5 years (2 serious and 4 slight in severity), however none of them occurred at the junction adjacent to the site and KC Highways Development Management

don't consider that the proposals would intensify the opportunity for these types of collisions to occur in the future.

No trip generation details were provided with the application, however KC Highways Development Management do not expect development of this type and size to generate sufficient trips as to have a severe impact on the operation and efficiency of the local highway network, especially since the existing use would have generated some trips.

There is to be a new vehicular access from Speedwell Lane to access the parking and this will require a new dropped kerb crossing, this should be done under a s184 agreement with the Council as Highway Authority and a footnote should be added relating to this.

The Proposed Site Plan drawing (100)03 shows 6 off-street parking spaces with some turning/manoeuvring space. Local standards for this type and size of development would require 1 space each for the 1 and 2 bed apartments and 2 spaces for the 3-bed apartment with 1 visitor space per four units and this would require 7 off street parking spaces. It may be possible that the single visitor parking space could be accommodated on street along Speedwell Street adjacent to the proposal site between the site access and the junction with Church Street. Due to No Waiting at Any Time TRO markings along the Church St frontage of the site, no on-street parking would be available in this location. It should be noted that there is a doctor's surgery on the opposite side of Speedwell Street to the proposal site and so on-street parking may be in high demand by this competing use, however, outside surgery times there may be available space.

The parking spaces should be surfaced according to national guidance on permeable finishes or should have suitable drainage if a sealed finish is used. Permeable guidance can be found at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens . This should be conditioned upon any grant of approval.

There is a cycle store marked on drawing (100)03, however no details have been provided about the store and from the drawing it looks open and therefore possibly not safe and secure and therefore would not be attractive to cycle users in the dwellings and would not support the use of sustainable travel choices. Details for the cycle parking should be provided and this should be conditioned upon any grant of approval.

The bin storage area as shown on drawing (100)03 may not be suitable as a collection presentation point as it doesn't look fully accessible to collection crew. The bin storage should be based on guidance provided by the Kirklees waste strategy team and details can be found at <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf> . The details of the waste storage and collection should be provided and this should be conditioned upon any grant of approval.

Given the above, it is considered that the proposal would not cause additional harm to the safe and efficient operation of the highway network, thus complying with Policies LP21 and LP22 of the Kirklees Local Plan, principles 12 and 19 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 9 of the NPPF.

4) Other Matters

Ecology:

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.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The site is identified as being located within the bat alert layer and therefore consideration has to be given to the impact of the proposed development on bats and bat roosts. The proposed works involve modifications to only the flat roofed part of the existing building and therefore, it is unlikely any harm would be caused to a bat roost or bat roost potential. If approved, a footnote would be added to the decision notice to provide the applicant with advice, should bats or evidence of bats be found during construction.

Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of bat and bird boxes on the building are to be recommended as a condition should permission be granted. The proposal would therefore accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

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 predates 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.

For an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. This will be conditioned should approval be recommended.

5) Representations

In response to publicity, three representations were received. These representations are set out below, accompanied with an officer response.

- Loss of privacy, overlooking from windows.

Response: To overcome any potential impacts to residential privacy as a result of overlooking, upon any grant of approval, a condition would be included so that all windows to the western elevation of the building be obscure glazed and non-opening.

- Loss of a historically important building for housing, with plenty of housing in the area already.

Response: The building itself is not considered to be a significant heritage asset and KC Conservation and Design have been informally consulted, concluding that the works would not detriment the surrounding Listed Buildings.

6) Conclusion

This application for the change of use from public house with residential accommodation above to ground floor cafe and first floor hostel with internal and external alterations has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2023/90421
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 LP1, LP2, LP8, LP13, LP21, LP22, LP24, LP30, LP35, LP48, and LP51 of the Kirklees Local Plan, the Council's adopted Housebuilders Design Guide SPD and policies within chapters 2, 4, 7, 8, 9, 12, 15 and 16 of the National Planning Policy Framework.

3. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

4. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and maintained whilst ever it remains in situ.

Reason: For the avoidance of doubt as to what is being permitted and to safeguard the amenities of the occupiers of nearby properties in accordance with Policy LP52 of the Kirklees Local Plan and Chapters 2 and 15 of the NPPF.

5. The development shall not be brought into use until the approved vehicle parking areas have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

6. The development shall not be brought into use until an integral bat box (Schwegler Bat Wall System 3FE or similar) and a bird box (Schwegler 1B or similar) have been incorporated within the curtilage of the site, and thereafter maintained and retained.

Reason: To provide an enhancement to biodiversity in line with LP30 of the Kirklees Local Plan and the requirements of section 15 of the National Planning Policy Framework.

7. The development shall not be brought into use until details of cycle storage facilities have been submitted and approved in writing by the Local Planning Authority, the approved facilities shall thereafter be retained for the lifetime of the development.

Reason: To comply with the Council's sustainability objectives, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 12 and 15 of the National Planning Policy Framework.

8. The development shall not be brought into use details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi), principle 19 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapters 2, 12 and 15 of the National Planning Policy Framework.

9. The windows to the western (side) elevation, as shown on Elevation D of submitted plan ref: (100)04, shall be obscure glazed and non-openin and retained as such thereafter

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan Policies within Chapter 12 of the National Planning Policy Framework.

10. The balustrade shall be of a wrought iron effect of a black colour finish.

Reason: For reasons of visual amenity and in accordance with policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

11. The new front steps shall be finished in materials that match the appearance of the existing front steps to the northern elevation of the host building.

Reason: For reasons of visual amenity and in accordance with policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Note: The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. • The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Documents.

Note: The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Note: The approved vehicle parking areas will need be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Note: Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally 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 bats are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Note: Construction related noise should not be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours

Saturdays With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Plans and Specifications Table: -

Plan Type	Reference	Version	Date Received
Location Plan	LOC	-	8.2.23
Existing	(100)02	-	8.2.23

Elevations, Plans and 3D Views			
Proposed Site/Block Layout	(100)03	-	8.2.23
Existing Site/Block Layout	(100)01	-	8.2.23
Proposed Elevations, Plans and 3D Views	(100)04	B	22.8.23

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.

The applicant/planning agent submitted amended plans to remove the retail use from the ground floor of the building. The applicant/planning agent provided written agreement, via email, to change the original description of proposal to reflect this amendment.

Report dated:

14.9.23