

**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:	2023/62/91490/W
Site Address:	11, Chancery Lane, Huddersfield, HD1 2DT
Description:	Conversion of ground floor and alterations to basement to form two flats (Listed Building within a Conservation Area)
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 19th September 2023

Officer Report.

Reference: 2023/91490

Location: 11, Chancery Lane, Huddersfield, HD1 2DT

Proposal: Conversion of ground floor and alterations to basement to form two flats

Site Description.

11 Chancery Lane is a four-storey building located in Huddersfield Town Centre, currently vacant within a previous use as offices. Visually, the building is faced in stone with a tiled gable roofing form.

With regards to heritage significance, the Grade II Listed Building is located within the Huddersfield Town Centre Conservation Area and the Listing states the following: *'Probably C.18 Warehouse. Hammer-dressed stone. Pitched stone slate roof. 4 storeys. 2 ranges of stone mullioned casements. One range of loading doors with 6 sunk panels each'*. Several buildings located around 11 Chancery Lane are also Grade II Listed, including neighbouring buildings to the north and the buildings directly adjacent.

The building fronts the adopted highway of Chancery Lane, which can be accessed via Westgate to the north or Cloth Hall Street to the south.

Sited within Huddersfield Town Centre, there are a number of commercial uses within the vicinity of the site. In addition, the site is within the designed Huddersfield Primary Shopping Area in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the conversion of the ground floor and alterations to basement to form two flats.

Flat 1:

One bedroom flat with kitchen/living area, bed area and ensuite.

One window would serve the bed area to the rear elevation and two windows would serve the kitchen/living area to the front elevation.

The plans show the same approximate size as per the previous submission under application 2022/93175.

The submitted plans show that the flat would be accessed via a front access door off Chancery Lane and a new opening in conjunction with the adjoining building of 13-17 Chancery Lane. Via email communication, the planning agent suggested that the access would be via the reopening of a former door from the bed area to the adjacent store in 13-17 Chancery Lane. In the event

of any grant of approval, a pre-commencement condition would need to be imposed to clarify flat layout and access.

Flat 2:

One bedroom flat with a kitchen/living area and bedroom at ground floor level and bathroom and laundry area at basement level.

Three windows would serve the kitchen/living area to the front elevation.

The plans show the same approximate size as per the previous submission under application 2022/93175.

The flat would be accessed via an access door in the rear of the building, leading to the rear yard.

The submitted plans show that bins would be located to the front of the building. However, via email communication, the planning agent suggested that bins would be located within the existing bin store in Brooks Yard and that tenants could use the existing bin store that serves the adjacent flats. In the event of any grant of approval, a pre-commencement condition would need to be imposed to clarify waste storage arrangements.

A secure bicycle stand for two cycles would be incorporated into the neighbouring building of 13-17 Chancery Lane, to be used by the occupiers of the proposed flats.

History of Negotiations/Amendments Received.

The case officer notified the applicant/planning agent that the original submission failed to overcome the reasons for refusal as refused by the previous application (ref: 2022/93175) which had the same description as the current proposal 'conversion of ground floor and alterations to basement to form two flats'.

In response, the applicant/planning agent provided a set of amended plans, which sought to address concerns regarding access, cycle storage and waste storage. Via email communication, the planning agent set out the following:

- We propose to reopen the former door access from the bed area to the adjacent store, shown above the Store on the plan.
- A cycle secure cabinet can be fixed to the Chancery Lane exit door adjacent. This will house 2 cycles and maintain a clear access for the existing tenants.
- The proposed tenants in the submission would have two alternatives for bin stores:
 - 1) The existing bin store in Brooks Yard

- 2) The second unit can use our legal right of way to the rear yard and the applicant has a legal agreement to use the approved bin store serving adjacent flats.

For clarity, in the event of any grant of permission, pre-commencement conditions would be required for the submission of plans regarding flat layout and access, bin storage and cycle storage. Whilst these plans would usually be requested as part of the determination process, the case officer did not consider it reasonable to request this information at this stage, given that it could be secured by condition if necessary and that this resubmission fails to overcome reason one for refusal within previous application 2022/93175, regarding adequate standard of amenity for future occupiers of the proposed dwelling.

Relevant Planning History.

- **2011/92626** – Change of use of ground floor and basement from warehouse/office to form lettings agency, showroom and offices, including toilet, kitchen and store. *Approved.*
- **2011/92745** – Listed Building Consent for alterations and new access to basement. *Approved.*
- **2022/93176** – Listed Building Consent for alterations to basement to form two flats. *Consent granted on 23rd February 2023.*
- **2022/93175** – Conversion of ground floor and alterations to basement to form two flats. *Refused on 23rd March 2023.*

Reasons for refusal:

1. The proposed development, by virtue of the poor levels of outlook and light that the two residential units would experience, the limited floor space of one residential unit and the lack of any private outdoor amenity space for proposed occupiers of both units, would fail provide an adequate standard of amenity for future occupiers of the proposed dwellings. The proposal is therefore contrary to Policies 15(d) and LP24(b) of the Kirklees Local Plan, Principles 16 and 17 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

2. The proposed development would fail to provide cycle storage for the proposed residential uses of the building, and the proposed external stepped access and bin store would be located on the highway of Chancery Lane thereby obstructing this highway. This would be to the detriment of highway safety and would not encourage sustainable transport, contrary to Policies LP15 (e and h) and LP21 of the Kirklees Local Plan, Principle 19 in the Council's adopted Housebuilders Design Guide Supplementary Planning Document, the

guidance within the Council's adopted Highways Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

3. The siting of the bin storage area to the front of the dwelling and on the highway would result in undesirable and obtrusive clutter within the street that would be detrimental to the visual amenities of the locality and would also cause less than substantial harm to the significance of the Grade II listed building of 11 Chancery Lane and the Huddersfield Town Centre Conservation Area. The public benefits of the scheme do not outweigh the less than substantial harm to the heritage assets identified. The development is therefore contrary to Policies LP15(h), LP24(a and d(vi)) and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principle 19 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document.

Representations.

The application was advertised by neighbour letter, site notice and within the press due to the site's location within a Conservation Area, the building's Listed status and its proximity to other Listed Buildings.

Final publicity date expired: 7th July 2023.

In response to publicity, no representations were received.

Consultation Responses.

KC Environmental Health (formal) - The proposed development is in the heart of Huddersfield Town Centre near to existing commercial premises, noise from which is likely to have an adverse impact on future occupiers of the site. Therefore, recommend the implementation of a pre-commencement condition requiring the submission of a noise impact assessment if approval is granted.

The following informal consultation responses were received for previous application 2022/93175, which had the same description of proposal as this re-submission, and are considered relevant in the consideration of this case:

KC Policy – Raised no concerns in principle to the creation of residential units at the application site, however, made specific reference to LP15 (Residential Use in Town Centres) and that approval would be subject to points (a) through to (h).

KC Conservation and Design – Raised slight concerns about the minor alterations proposed to the principal elevation with regard to the access alterations and proposed steps, however, do not consider that the alterations to access would result in harm to the heritage significance of the site.

Policy/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).

With regards to heritage, the site is located within the Huddersfield Town Centre Conservation Area and the building is Grade II Listed. In addition, several buildings located around the building are also Listed.

The site is within the designated Primary Shopping Area within Huddersfield's Town Centre in the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- 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
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Air Quality
- LP52 – Protection and Improvement of Environmental Quality

Supplementary Planning Guidance/Documents:

- Highways Design Guide SPD (adopted 4th November 2019)
- Housebuilders Design Guide SPD (adopted 29th June 2021)
- Climate Change Guidance for Planning Applications
- Waste Management Design Guide for New Developments (Version 5, October 2020).

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 National Planning Policy Framework 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 Effective Use of Land
- Chapter 12 - Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 16 – Conserving and Enhancing the Historic Environment

Legislation:

- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004
- Planning (Listed Building & Conservation Areas) Act (1990)

Assessment.

The following matters are considered in the assessment below: -

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Historic Environment
- 4) Impact on Residential Amenity
- 5) Impact on Highway Safety
- 6) Other Matters
- 7) Representations
- 8) Conclusion

1) Principle of Development

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

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

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

Policy LP2 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 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. The judgement in this case is set out in the officer’s assessment.

Policy LP7 of the Kirklees Local Plan states that we should encourage the efficient use of previously developed land in sustainable locations and Policy LP3 of the Kirklees Local Plan requires new development to be situated in a sustainable location that provides access to a range of transport choices and access to local services. The site is located within the Huddersfield Town Centre and there are several bus stops located within walking distance. Therefore, the site is considered to be in a sustainable location close to public transport and local services.

However, the application site is located within a Primary Shopping Area with a Principal Town Centre (Huddersfield) and therefore, Chapter 7 of the NPPF and Policies LP13 (Town centre uses), LP14 (Shopping frontages) and LP17 (Huddersfield Town Centre) of the Kirklees Local Plan will be taken into consideration within the assessment of the proposal.

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 adaptation. Paragraph 86(f) 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. The 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.

In relation to Primary Shopping Areas, Policy LP14 of the Kirklees Local Plan states that the uses within Primary Shopping Areas will be expected to maintain or provide active ground floor uses.

Policy LP17 of the Kirklees Local Plan outlines 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 centre uses. Huddersfield Town Centre will also provide high quality educational facilities and opportunities for town centre living'*. It goes on to state that:

Proposals for new development within the town centre will be supported where they:

- a. preserve and enhance the towns' cultural and architectural heritage and open spaces, and connections to them;*
- b. provide a safe welcoming inclusive destination for people of all ages of the district to visit throughout the day from morning into the evening;*
- c. provide space for town centre residential living;*
- d. provide opportunities for larger scale individual retail floor plates;*
- e. provide, where appropriate, sustainable modes of transport, such as cycle and pedestrian routes, cycle parking and charging points for electric vehicles;*
- f. provide space for a range of businesses from small scale start-ups to larger multinational corporations*
- g. create opportunities for the economic development and expansion of the town and the district;*

With regard to town centre living, Policy LP15 of the Kirklees Local Plan states that:

"Proposals for residential uses (including student accommodation) within the defined town centres as set out on the Policies Map 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 floor, 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.”*

The property is located within Huddersfield Town Centre and the lawful use of the ground floor appears to be Class E(g) (office), but the unit is currently vacant. As the lawful use is an office, the current use is one that does not have an active ground floor use therefore the proposal is considered acceptable in relation to Policies LP14 and LP15c of the KLP.

In relation to the impact upon the role and function of the town centre, whilst the proposal would result in the loss of a main town centre use, the use is currently vacant, not in a retail use, outside the primary and secondary shopping frontages and it is noted in the NPPF that residential use can make a positive contribution to the vitality and viability of town centre. Further to this, KC Policy have raised no objections to the proposal in terms of the impact upon the viability and vitality of the town centre, or its role and function. Give the above, it is considered that the proposed change of use would not compromise the function and role of Huddersfield Town Centre, nor would it adversely harm the viability and vitality of this centre, in accordance with Policies LP13 and LP15a of the Kirklees Local Plan and Chapter 7 of the NPPF.

The principle of the proposed change of use to two residential units could therefore be acceptable, but the principle of the development will also be subject to other considerations, including bullet points b and d-h of Policy LP15 of the Kirklees Local Plan. These matters will be discussed below.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (Achieving WellDesigned 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 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 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 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

The submitted plans display minimal external changes to the existing building as part of the proposal. The only external alterations proposed are with regard to access, with no other changes to existing openings at ground floor level or to external materials.

The submitted plans show bins to be stored to the front of the building, however, via email communication, the planning agent set out that the proposed tenants in the submission would have two alternatives for bin stores:

- 1) The existing bin store in Brooks Yard
- 2) The second unit can use our legal right of way to the rear yard and the applicant has a legal agreement to use the approved bin store serving adjacent flats.

The proposed alternatives for bin storage, as set out via email communication from the planning agent, would be considered to alleviate the impacts to visual amenity caused by bin storage. For clarity, in the event of any grant of permission, a pre-commencement condition would be required for the submission of plans for waste storage arrangements. It should be noted that these plans were not requested prior to determination for the reasons as set out within the ‘History of Negotiations’ section of this report.

As such, with the inclusion of the aforementioned condition, it is considered that the proposed works to the building would not cause any significant harm to the visual amenities of either the host dwelling or the wider streetscene. The impacts of bin storage upon visual amenity are discussed below.

3) Impact on the Historic Environment

With regards to heritage, the site is located within the Huddersfield Town Centre Conservation Area and the building is Grade II Listed. In addition, several Grade II buildings are located within very close proximity to the site.

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.”* This echoes guidance in Chapter 16 of the NPPF.

Paragraph 194 of the National Planning Policy Framework states *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”*

A heritage impact assessment was submitted as part of the application, which set out the following summarised points:

- The proposal utilises existing windows and door openings.
- Residential use is the only feasible option, and this will help preserve the existing structure to the benefit of the Listed Building and the Conservation Area as a whole.
- Conversion of offices to residential use is consistent with National Planning Policy.

Paragraph 199 of the National Planning Policy Framework states *“When considering the impact of a proposed development on the significance of a*

designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." Paragraph 200 of the National Planning Policy Framework states *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*

Officers consider that the works would not harm the character and significance of the Huddersfield Town Conservation Area or significance of the Grade II Listed building and surrounding Grade II listed buildings. This is because the proposed alterations would be negligible, with only minor external alterations proposed with regard to access alterations. In addition, the conversion from offices to flats is unlikely to have a harmful impact on the Conservation Area with regard to intensification.

4) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

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

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

As there would be negligible external changes to the existing building as part of the proposal, it is considered that there would be no significant additional impacts on the residential amenity of neighbouring occupiers in this regard.

Consideration in relation to the impact on the residential amenity of future occupants will be undertaken below. Of note, as alluded to already, Policy 15d is a consideration which states that residential development in centres shall be supported in centres subject to *'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'*.

Paragraph 185 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been

evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Importantly, Paragraph 187 of the NPPF also states that: *“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

Whilst it has been acknowledged that there would be windows to serve both flats, give the low-level position of the windows and their close relationship with surrounding built form, it is not considered that these windows would allow for adequate natural light or outlook.

The windows to the front elevation of the flats would face directly onto the narrow highway of Chancery Lane, with no separation between the highway and the principal elevation of the host building. In addition, a three-storey building is located directly adjacent to the principal elevation of 11 Chancery Lane, separated by approximately 9 metres, with multi-storey buildings surrounding the site within the wider streetscene.

With regard to the rear window, the site adjoins a two-storey building to the south and another two-storey building is located directly adjacent to the rear elevation, separated by only approximately 5.5 metres. Therefore, it is considered that the lack of natural light would result in substantial levels of amenity for future occupiers.

Principle 16 of the Kirklees Housebuilders Design Guide SPD states 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. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

‘Flat 1’ would have the same internal area as the flat proposed under previous application 2022/93175. In turn, it is considered that the proposed flat would fail to comply with the Nationally Described Space Standards.

‘Flat 2’ would appropriately comply with Nationally Described Space Standards for one-bedroom flat over two stories with two occupiers.

It is noted that no specific storage space has been demonstrated on the submitted floor plans for either of the proposed flats.

Principle 17 of the Housebuilders Design Guide SPD sets out how 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. However, no size criteria for amenity spaces is advised in the Housebuilders Design Guide SPD.

No private outdoor amenity space would be provided for either of the proposed flats. The principal elevation of the building is set directly onto the highway of Chancery Lane and the rear elevation backs onto land utilised as a car park. The Town Centre location is noted, but the lack of such a private amenity space is considered to add to the poor standard of amenity of the proposed residential units.

Given the setting of the building, in the heart of Huddersfield Town Centre near to existing commercial premises, noise is a potential issue for future occupiers. The building is surrounded by functioning commercial businesses, including an operating hairdresser to the ground floor of adjoining 9 Chancery Lane.

As a consequence, KC Environmental Health have stated that should permission be granted, a condition requiring a noise impact assessment should be attached. The assessment should determine the existing noise climate taking all likely noise sources into consideration and then detail how this will affect the proposed development. It should also detail any noise mitigation measures that will be required so that satisfactory sound levels will be achieved both indoors and at any outdoor amenity areas at the development. If windows need to be kept closed to achieve satisfactory indoor sound levels, then the mitigation measures will also need to include specific details of the alternative ventilation that will be provided as a substitute to opening windows.

It is therefore considered that cumulatively, the impact of the layout, lack of natural light and outlook, as well as the lack of amenity space would result in a substandard level of amenity for future occupiers. The proposal therefore fails to comply with Policies LP15d or LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

5) 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.

Car Parking:

There are on street parking restrictions in the vicinity of the building. No parking details have been submitted as part of the application, however due to the town centre location, it is not considered necessary to have such

provision. Officers concur given the sustainable transport links within the locality and given the size of the units proposed.

Access:

The submitted plans show that flat 1 would be accessed via a front access door off Chancery Lane and a new opening in conjunction with the adjoining building of 13-17 Chancery Lane. Via email communication, the planning agent suggested that the access would be via the reopening of a former door from the bed area to the adjacent store in 13-17 Chancery Lane. Upon any grant of approval, a pre-commencement condition would need to be imposed to clarify flat layout and access. Whilst this information would usually be request prior to determination, given that the application fails to overcome reason one for refusal under 2022/93175, it would be considered unreasonable in this instance.

However, it should be noted that, if access were to be taken off Chancery Lane, the scheme has been amended since application 2022/93175, with the proposed steps to be cut into the existing principal elevation rather than to project beyond it. In turn, it is not considered that the works would obstruct either the highway or the narrow footway of Chancery Lane.

Waste Management:

Policy LP15h of the Kirklees Local Plan sets out that proposals for residential uses within defined town centres will be subject to: *“the provision of refuse storage and collection.”*

Policy LP24d(vi) sets out that development proposals should promote good design through ensuring high levels of sustainability, to a degree proportionate to the proposal, through incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste.

Principle 19 of the Kirklees Housebuilders Design Guide 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.”*

The submitted plans show that bins would be located to the front of the building. However, via email communication, the planning agent suggested that bins would be located within the existing bin store in Brooks Yard and that tenants could use the existing bin store that serves the adjacent flats. Upon any grant of approval, a pre-commencement condition would need to be imposed to clarify waste storage arrangements. Although this information and clarification would usually be collected prior to determination, it would be considered unreasonable to do so in the instance of this application, with this application failing to overcome reason one of refusal under 2022/93175.

Officers would want bin storage to be located away from Chancery Lane, as putting the bins to the principal elevation would result in an obstruction on the public highway to the detriment of highway safety.

Cycle Storage:

Policy LP15(e) of the Kirklees Local Plan sets out that proposals for residential uses within defined town centres will be subject to: *'the provision of space for the storage of sustainable modes of transport such as bicycles...'*

The planning agent provided the following details via email communication:

- A cycle secure cabinet can be fixed to the Chancery Lane exit door adjacent. This will house 2 cycles and maintain a clear access for the existing tenants.

Whilst further details of cycle storage would usually be requested prior to determination for clarity, in the instance of this application, it was not considered reasonable to request such information, given that the application fails to overcome reason one of refusal under previous application 2022/93175.

6) Other Matters

Climate Change:

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.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. It is noted however that the site would create additional living accommodation within the envelope of an existing building. It is therefore considered that the development demonstrates acceptable levels of sustainability from the point of view of promoting carbon reduction.

7) Representations

None received.

8) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation: Refusal
Decision Authorisation – Delegated Powers
Application Number: 2023/91490
Officer Recommendation: Refusal

Reason for Refusal:

1. The proposed development, by virtue of the poor levels of outlook and light that the two residential units would experience, the limited floor space of one residential unit and the lack of any private outdoor amenity space for the proposed occupiers of both units, would fail provide an adequate standard of amenity for future occupiers of the proposed dwellings. The proposal is therefore contrary to Policies 15(d) and LP24(b) of the Kirklees Local Plan, Principles 16 and 17 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	30.5.23
Proposed Floor Plans	Ground Floor Layout	-	08.09.23
Floor Plans	11 Chancery Lane, HD1	-	08.09.23
Conservation/Heritage Assessment	-	-	30.5.23

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 Planning Authority have, where possible, made a

pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The case officer notified the applicant/planning agent that the original submission failed to overcome the reasons for refusal as granted under previous application 2022/93175, which had the same description of proposal 'conversion of ground floor and alterations to basement to form two flats'.

In response, the applicant/planning agent provided a set of amended plans, which sought to address concerns regarding access, cycle storage and waste storage. Via email communication, the planning agent addressed access, cycle storage and waste storage.

Report dated:

18.9.23