

**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:	<b>2023/62/92216/W</b>
Site Address:	53, Wakefield Road, Moldgreen, Huddersfield, HD5 9AB
Description:	Erection of three storey house of multiple occupation
Recommending Officer:	William Simcock

**DECISION - REFUSE**

**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.**

Julia Steadman

***AUTHORISED OFFICER***

**Date:** 29-Jan-2024

## **Officer Report – 2023/92216 53 Wakefield Road, Moldgreen**

### **Site Description**

The site comprises a two-storey stone building with a basement and associated land. The original building is described as a takeaway on the block plan but at the present time consists of two units, a hot food takeaway and a barber shop, fronting Wakefield Road. It has a large L-shaped extension at the rear which provides additional space for the takeaway and a further two-storey, flat-roofed element extending northwards from this in use as flats, with its outlook to the west and east. The remainder of the area within the building's curtilage, to the east and north of the flats, is taken up by tarmac hardstanding which is used for parking, the storage of refuse containers, and miscellaneous storage. The site boundaries are formed by high stone walls. There is a vehicular access point to Silver Street West, which runs parallel to Wakefield Road connecting Carr Pit Road and Silver Street.

To the north is a light industrial / trading estate. 53 Wakefield Road forms part of a row of two-storey commercial properties ending with no.63, benefiting from extensive hard-surfaced land to the rear, used for parking. To the eastern end of Silver Street West the land is more heavily built up, with industrial or commercial buildings built close to the highway.

### **Description of Proposal**

The proposal is for the erection of a three-storey house of multiple occupation, built on to the northern side of the existing building.

The building would have a pitched roof and would be stepped up from the host building so that eaves level would be 1m above existing roof level. It would have a rectangular plan measuring 5.0m by 9.6m. External facing material would be stone. It would contain two bedrooms at ground floor (which is in fact at semi-basement level), one bedroom and a dining / kitchen at first floor, and three bedrooms at second floor.

The plans do not show the existing yard marked out into parking spaces but the design and access statement confirms that it will be available for the parking of private vehicles.

### **History of negotiations/amendments received**

None. The architect was advised early on in the process of concerns relating to visual and residential amenity but did not produce new plans or submit the reports requested by Environmental Health.

## **Relevant Planning History**

2012/90723 – Change of use of ground floor from Class A4 to Class A5 (hot food takeaway) and installation of replacement shop front. Erection of two-storey extension and alterations to form 2 x four-bedroom houses of multiple occupation and alterations to form 2 x studio flats. Conditional full permission.

2012/93811 – Removal / variation of condition (2) on previous application. Granted.

## **Representations**

Final publicity date expires: 07-Sep-2023. Publicity by neighbour letter only thereby complying with the Development Management Procedure Order.

No representations made.

## **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Environmental Health – Air Quality and Noise Reports required before determination.
- KC Designing Out Crime Officer – No objections in principle.
- KC Highways Development Management – Acceptable subject to condition.

In the assessment of application 2012/93811 it was thought appropriate to consult Conservation & Design since the Somerset Arms (53 Wakefield Road) was deemed a “non-designated heritage asset”. Since the development would only affect the rear of the building, which has already been substantially altered and extended and is of minimal architectural or historical interest, it has not been deemed appropriate to consult Conservation & Design in the case of this application.

## **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is within a Strategic Green Infrastructure Corridor on the Kirklees Local Plan.

**Kirklees Local Plan (LP):**

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 31:** Strategic green infrastructure network
- **LP 52:** Protection and improvement of environmental quality

**Supplementary Planning Documents:**

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document, (HGD SPD)
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in [G:\Planning\SPDs & Guidance Notes](#).

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

**Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development

- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development:

Policy LP1 of the Local Plan 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. LP1 goes on further to stating that:

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

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. Paragraph 76 of the NPPF states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and
- b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

At this time, both criteria are met (the Local Plan will be five years old on 27<sup>th</sup> February this year). The Council's inability to demonstrate a five-year housing land supply is therefore not a material consideration in this instance.

Paragraph 69 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

The site lies within land designated Strategic Green Infrastructure Network. Under Policy LP31, development proposals should ensure:

- i. The function and connectivity of the green infrastructure network is retained or replaced;
- ii. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate;

- iii. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
- iv. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

In this instance, the development would not result in the loss of any existing green infrastructure and there is little, if any, scope, for incorporating new green infrastructure into the development or integrating it into the Core Walking and Cycling Network. Implications for biodiversity will be considered later in this report.

The proposal will be further assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP11 – Housing must aim to provide a mix in terms of size and tenure.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.
- LP30 – Development to incorporate biodiversity enhancement measures.
- LP52 – Impact of noise and air pollution on receptors to be considered.

A development making “efficient use” of land will not necessarily be acceptable – this will be assessed having regard to its compatibility with local character (see part 2 below). Whilst the achievement of a mix of size and tenure in a multi-unit scheme is desirable, Policy LP11 specifies that schemes of more than 10 units or those covering an area of greater than 0.4ha should provide a mix reflecting the proportions of households that require housing and achieve a mix of house size and tenure. For a minor scheme such as this, it would be unreasonable to require it to contribute to this aim.

Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the

prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places. The advice in Chapter 12, "Achieving well-designed places", should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments.

Also of relevance is Chapter 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

## 2 – Impact on visual amenity:

The proposal will be considered having regard to the aims of policy LP24a of the KLP, and also those of the Housebuilders' Design Guide, in particular:

Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.

Principle 15 – The design of the roofline should relate well to the site context.

The surrounding area lacks a strong coherence in building style. Buildings forming the frontage to 47-89 Wakefield Road are of domestic scale and proportions, two storeys in height, although they do not appear to have been built as a single development as there is some variation in eaves height and design details. The land at the rear, between Wakefield Road and Silver Street West, is of less consistent appearance. Some of it is open and used for the parking of vehicles, but several warehouses, workshops and industrial buildings have been erected, making use of a mix of brick, stone and blockwork. These are single-storey. The northern side of Silver Street West is sporadically built up, with substantial gaps between buildings, which include the electrical supplies shop opposite (two-storey and of domestic proportions) and the more modern buildings (which appear to be single-storey but with high ceilings) forming a modern trading estate on the corner of Carr Pitt Road. On the opposite side of Wakefield Road is a multi-storey student residence (between three and five storeys in height) but this is separated from the application site by seven lanes of traffic and is therefore considered less important in forming its setting.

It is considered that the erection of residential development on this site would not necessarily be unacceptable in principle. The rear elevations of 47-89 Wakefield Road do not offer a clear-cut boundary between established development and undeveloped land, since as previously noted there are extensions and other built development on the intervening land between these buildings and Silver Street West. It is considered however that a three-storey building with a pitched roof would relate very poorly with its surroundings and

would result in the visually non-conforming appearance of high-density, three-storey development into a setting which is only sporadically developed, and not at a greater height than two storeys. The existing extension to 53 Wakefield Road cannot be held to set a precedent since the lowest floor is at semi-basement level and the new development would rise significantly above it. Whilst the palette of materials and the design details (such as fenestration) are not inappropriate in themselves, the scale and height of the development in this context would fail to respect the character of the townscape or conserve visual amenity, and would be contrary to the aims of policy LP24(a), Principles 2 and 15 of the Housebuilders' Design Guide SPD, and the Council's duty to facilitate the creation of well-designed and beautiful places as set out in paragraphs 131 and 135 of the NPPF.

### 3 – Impact on residential amenity:

#### *Light, privacy and outlook:*

The following principles within the Housebuilder Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

All bedroom and other primary habitable room windows would face east. The distance from the windows to the boundary with adjacent land would be

approximately 6m. They would not directly face the windows of any other residential properties at close quarters – the closest possible overlooking distance between windows, even if the part of the space above no. 55 was in residential use, is 15m, and this would be at a steep angle.

The distance to the boundary however falls significantly short of the 10.5m that is recommended. Development on this site, with east-facing windows, would also undermine the development potential of the adjacent plot, since any new development over a single storey would have to be set away from the boundary so as to allow the 12m stand-off distance between a habitable room window and blank wall to be maintained. But since the adjacent plot is without designation and is unlikely to have much development potential anyway since any new build would displace existing parking, it is considered that this factor would be difficult to substantiate as a reason for refusal.

The first and second-floor windows would have an open outlook. Outlook and receipt of light for the two ground floor bedrooms – numbers 1 and 2 – would however be very poor as they would face a high stone boundary wall.

The Nationally Described Space Standards (NDSS) recommend that overall floorspace should normally be at least 129sqm for a three-storey dwelling with six bedrooms. Gross internal floorspace in this instance would be 123sqm. Bedroom 5 provides only 6.5sqm which is 1sqm short of the minimum internal dimension for a single bedroom. It is not completely clear whether the standards are intended to apply to HMOs as well as dwelling houses as there is no explicit reference to HMOs in the supporting text. In this instance however the proposed HMO has six bedrooms and therefore could fall within use class C3 (dwellinghouses) of the Use Classes Order, provided that each bedroom had a single occupant. It is therefore considered that the substantial weight should be placed on the NDSS in this case.

It is considered that the substandard size of the HMO as a whole, and of bedroom 5, would contribute towards an unacceptably low standard of amenity for future occupants, and that there are no exceptional circumstances that would justify such a large departure from published standards in this instance.

The plans do not indicate that any land is to be made available as outdoor amenity space for future residents. The possibility of creating a small sitting-out area may exist, and this is something that could be the subject of further discussion if officers were generally supportive of the scheme.

*Noise and air quality:*

The immediately adjoining use, with which it would share a party wall, is residential. The site however lies within an area of mixed uses in which industrial and commercial uses predominate, and in which it could be affected by traffic noise from Wakefield Road. The land immediately to the west, and across Silver Street West, is designated a Priority Employment Area (PEA). It is therefore expected that proposals for new employment-related uses (which may also be generators of noise) will be supported, and the introduction of a

new residential use in close proximity to the PEA may hamper the creation of new employment uses, or the expansion or intensification of existing ones, owing to concerns about compatibility with the new residential use.

The site is also adjacent to an Air Quality Management Area. The development would be approximately 30m away at its closest point but since the boundaries of AQMAs are indicative, and the zone in which poor air quality is experienced will vary over time, this is a cause for concern.

Environmental Health officers recommend that a Noise Assessment Report should be submitted before determination as the proposal would create a new noise sensitive use close to existing noise sources. This should determine the existing noise climate, noise climate in the shared rooms and bedrooms, and appropriate attenuation measures (with artificial ventilation if necessary).

Environmental Health also recommend that an Air Quality Assessment is submitted before determination since the proposed development will therefore be introducing new receptors into an area of poor air quality, and further advise that if the levels predicted in the report are unacceptable, it may be necessary to refuse the application.

In the absence of this supporting information, it has not been demonstrated that the development would avoid giving rise to an unacceptably low level of amenity to future occupiers, and consequent negative impacts upon their health and well-being, by reason of noise or air pollution. Creating a new noise receptor could also give rise to future compatibility problems with the PEA in the event of new employment units or extensions to existing ones being proposed. To grant permission would therefore not accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 (paragraph 135f) and 15 of the National Planning Policy Framework, or the economic aims of sustainable development as set out in paragraph 8(a).

*Residential amenity – conclusion:*

It is considered for the reasons set out in the paragraphs above that the development would not provide an acceptable standard of living for future occupants and would therefore be contrary to the aims of LP24(b) and the relevant parts of the SPD.

4 – Impact on highway safety:

The proposed development site is located within the local centre of Aspley just outside of Huddersfield Town centre on the A629 Wakefield Road and the surrounding roads are controlled by Traffic Regulation Orders to prevent indiscriminate parking with limited waiting on the site frontage on Wakefield Road to allow customers of the adjacent businesses to park on street short term. Within walking distance there is Pay and Display on street parking on Carr Pitt Road.

The proposed site plan indicates that there would be room to park six cars at the rear. In reality, not all of these spaces would be useable; it would be extremely difficult to steer a vehicle out of the space drawn parallel to the highway near the entrance if the others were occupied, and the use of tandem or stacked parking is not acceptable in multi-occupancy schemes as cars belonging to different occupants would have to be “shuffled” whenever someone wished to make a journey. It is doubtful that more than three spaces could be accommodated in such a way as to be useable. A practical parking layout would also have to be designed so as to leave a clear pathway for refuse bins to be put out for collection, and to allow residents easy access to the secure bicycle storage spaces. It is also unclear how the servicing arrangements for the existing businesses would be affected (the yard is used as a bin storage area for trade in addition to residential waste). These are matters that would need to be attended to (by further negotiation or by condition) if officers were generally supportive. A reduction in the number of designated spaces from six to three would leave additional space for bin storage, and for a pathway to the collection point.

It is considered that the site is located in a very sustainable location (being within walking distance of Huddersfield Town Centre and on a well-served bus route) and that demand for parking from the proposed and existing residential uses would be low. Only one car was parked within the shared yard at the time of the case officer’s site visit.

In recent times, the Council have introduced a Permit Parking Policy, which clarifies eligibility for permits. Under the terms of the policy, multiple occupancy premises would not be eligible for parking permits. Taking into consideration the permit parking policy, officers are satisfied that it is possible to control parking within the vicinity of the site. The Highway Officer has recommended that a “No Resident’s Permit Parking” condition be applied, to the effect that arrangements shall be agreed in writing with the local planning authority to ensure that, with the exception of disabled persons, no residents of the development shall obtain a residents or landlord parking permit within the controlled permit parking area.

It is therefore considered that the development, subject to the amendments to layout and suitable conditions, would be able to function without harm to the safe or convenient use of the highway, and would therefore accord with the aims of policies LP20-22 of the Local Plan.

## 5 – Other matters:

### *Climate Change:*

On 12<sup>th</sup> 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 Climate Change Statement proposes several measures including high-performance windows and doors, and the installation of solar panels. Whilst these measures would be welcomed as supportive of the above carbon reduction aims, it is considered that they do not outweigh the negative impacts of the development as already set out.

*Ecology:*

The site is in the bat alert layer but the site in its present condition appears to have very limited ecological value and no evident potential to support a bat roost. Appropriate enhancement measures would be sought in the event of an approval, in accordance with the aims of Policy LP30, Principle 9 of the HDG SPD and NPPF Chapter 15.

*Drainage:*

Disposal of surface and foul water would be by the main sewer. The site is not in an area known to be vulnerable to flooding and since the land is already hard-surfaced it is unlikely to lead to increased run-off.

6 – Representations:

No representations were made.

7 – Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the 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 considerations, and that for the reasons set out in the officer's report it would not improve the environmental conditions of the area.

**Recommendation – REFUSE PERMISSION**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2023/92216

**Officer Recommendation:** REFUSE PERMISSION

### **Reasons for refusal**

1. The proposed development, by reason of its scale, height and siting, would dominate its surroundings and fail to respect the character of the townscape and visual amenity, contrary to the aims of Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 15 of the Housebuilders' Design Guide Supplementary Planning Document (SPD), and the Council's duty to facilitate the creation of well-designed and beautiful places as set out in paragraphs 131 and 135 of the National Planning Policy Framework.
2. The proposed development, owing to the limited internal floorspace (123sqm) and the floorspace allocated to Bedroom 5 (6.5sqm) which both fall significantly short of the recommended standards for a three-storey, six-bedroom dwelling as set out in the Nationally Described Space Standards, and the poor outlook and limited natural light for Bedrooms 1 & 2, would give rise to an unacceptably low standard of amenity for future occupants, and would be contrary to the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan, Principles 6 and 16 of the Housebuilders' Design Guide SPD and paragraph 135(f) of the National Planning Policy Framework.
3. In the absence of a Noise Assessment, it has not been demonstrated that the development would avoid future residents being subjected to unacceptable levels of noise disturbance arising from nearby industrial and commercial uses and from road traffic, to the detriment of their amenity, or that the future operational flexibility of existing businesses or the possible establishment of new employment-generating uses on neighbouring land which falls within a Priority Employment Area on the Local Plan Proposals Map would be unaffected. The development would be contrary to the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan, Chapter 12 (paragraph 135f) and Chapter 15 of the National Planning Policy Framework, and the economic aim of sustainable development as set out in paragraph 8(a) of the National Planning Policy Framework.
4. In the absence of an Air Quality Assessment, it has not been demonstrated that the development would avoid future residents being subjected to unacceptably poor air quality, to the detriment of their health and amenity, contrary to the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapter 12 (paragraph 135f) and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			27-Jul-2023
Location plan, plans and elevations as existing	2318-01		27-Jul-2023
Proposed block plan			27-Jul-2023
Ground floor plan, side and rear elevations as proposed	2318-02		27-Jul-2023
First and second floor plans, front elevation as proposed	2318-03		27-Jul-2023
Design & access statement			27-Jul-2023
Climate change statement			27-Jul-2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer advised the applicant's agent that there were significant concerns owing to the proposal's impact on visual amenity and the possible impact of noise and air pollution on future occupants. No amended plans or additional information were supplied and the application has been determined on the basis of the originally submitted documents.

**Report Dated:**

29-Jan-2024