

**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:	2023/62/92649/W
Site Address:	Basement Store, 1000-1004, Manchester Road, Linthwaite, Huddersfield, HD7 5QQ
Description:	Change of use of basement floor to 3 studio flats and erection of first floor extension to form 1 studio apartment (within a Conservation Area)
Recommending Officer:	Katie Chew

DECISION - REFUSED

I hereby authorise the refused of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 26th October 2023

Officer Report

Site Description

Basement Store, 1000-1004, Manchester Road, Linthwaite, Huddersfield, HD7 5QQ

The application site relates to a large commercial mid-terraced natural sandstone property with a mixture of grey concrete tiles and blue slated pitched roof. Accommodation is spread across 3 floors comprising of shops on the ground floor, residential use on the first floor and ex-warehouse space in the basement. The basement and first floor accommodation is accessible from the rear via Coldwell Street, the ground floor is accessed from Manchester Road.

The site is located within Linthwaite Conservation Area but is not in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the change of use of basement floor to 3no. studio flats and erection of first floor extension to form 1no. studio apartment (Within a Conservation Area).

The proposed studio flats are all to be access to the rear of the building from Coldwell Street. This with therefore see the introduction of 4 new doorways and 3 new windows within the rear elevation. 2 new windows are also proposed to the front of the property.

Flat 1 would have an internal floorspace of approx. 78sqm. The flat would comprise of a bedroom, bathroom, kitchen, lounge, walk-in wardrobe.

Flat 2 would have an internal floorspace of approx. 45sqm. The flat would comprise of a bedroom, bathroom, kitchen and lounge.

Flat 3 would have an internal floorspace of approx. 38sqm. The flat would comprise of a bedroom, bathroom, kitchen and lounge.

Flat 4 would have an internal floor space of approx. 31sqm. The flat would comprise of a bedroom, bathroom and kitchen area.

The proposals also seek to increase the height of the roof above the cafe by around 2.4m, replacing the 2 existing pitched roofs with 1 pitched roof, allowing space for the introduction of the fourth flat into the building.

The extension is to be constructed from natural stone and grey concrete roof tiles, all to match the host dwelling. White UPVC windows and doors are also to be installed.

History of negotiations/amendments received

No amendments or additional plans have been sought as the proposals were deemed to be wholly unacceptable upon submission. Similar conclusions were also made within the recently refused application 2022/90728 by which no alterations have been made to overcome Officers' previous concerns.

Relevant Planning History

2022/90728 – Change of use of basement floor to 3 studio flats and erection of first floor extension to form 1 residential apartment (within a Conservation Area). Refused 17th November 2022. This application was refused as:

'1. The proposed development, by reason of the severely limited amount of useable internal floorspace and restricted floor to ceiling head heights for proposed flat 4, coupled with the restricted natural light and outlook achieved by Flats 1, 2 & 3 at basement level would provide a poor standard of amenity to future occupiers of these residential dwellings. Therefore, the development would be contrary to the aims of the National Planning Policy Framework paragraph 130(f), Principle 16 of the Housebuilders Design Guide SPD and Policies LP15d and LP24(b) of the Kirklees Local Plan.

2. It has not been demonstrated that the amenity of future occupiers could be protected from noise and odour pollution emanating from the A62 Manchester Road and the proximity of commercial food and drink uses to the application site. Without such information future occupiers could be subjected to a poor living conditions and quality of life. On the basis of the submitted application the proposals are therefore contrary to Policies LP15d and LP24b of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework paragraphs 130(f) and 185'.

2018/91060 – Discharge of conditions 3, 4 and 9 on previous permission 2017/94154 for change of use from vacant shop unit to restaurant/takeaway and ice cream parlour (within a Conservation Area). Refused 14th December 2021.

2017/94154 – Change of use from vacant shop unit to restaurant/takeaway and ice cream parlour (within a Conservation Area). Approved 6th February 2018.

2009/90676 – Erection of external refrigeration plant, external condenser and raised plinth with handrail to rear elevation (within a Conservation Area). Refused 23rd July 2010.

90/05201 – Staircase extension for first floor flats. Approved 17th October 1990.

88/01913 – Change of use of disused first floor to 2 flats. Approved 10th June 1988.

Representations

Final publicity date expires:

Neighbour Letters – Expired 24th October 2023.

2 representations have been received in objection to the proposals, comments are summarised below.

- Concerns in respect to access and parking on Coldwell Street. The street is already very small, narrow and busy with both business and residential traffic using it on a daily basis.

Officer note: Noted. This is discussed in more detail within the highway safety section of this report.

- Should the plans be passed, it would devalue surrounding properties, making it an undesirable location due to overcrowding.

Officer note: Noted. Unfortunately, property values are not a material planning matter and therefore this has not been assessed within this report.

- The street is unlit by the Council and because of this would be a 'safe haven' for criminal and/or antisocial activity taking place in these flats.

Officer note: Noted. However, the Council's Designing out Crime Officer has had the opportunity to comment on this and the previously refused application (ref: 2022/90728) and has raised no concerns in respect of safety on these occasions.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. Whilst it is acknowledged that the application site is located within Linthwaite Conservation Area, the majority of the proposals relate to internal alterations, and whilst an extension is proposed to the property, this is to increase the roof height above the cafe by around 2.4m, replacing the 2 existing pitched roofs with 1 pitched roof. In addition, Conservation & Design Officers concluded within a recently refused application (2022/90728) at the site that the exact same proposals are not considered to impact on the Conservation Area. As such, we have publicised this application via neighbour notification letters only.

Consultation Responses

No technical consultations required.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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

The application site is located within the Strategic Green Infrastructure Network, Linthwaite Local Centre, Linthwaite Conservation Area, and a bat alert area.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP20 – Sustainable Transport**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Nationally Described Space Standards
- National Design Guide

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

updated 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. Most specifically in this instance, the below chapters are of most relevance:

- 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 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1 – Principle of Development

1.1 - Sustainable 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.

The site is not displayed as allocated on the KLP Policies Map. 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 below...”

The site is within the Kirklees Rural 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 officers assessment below.

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

Policy LP13 of the Kirklees Local Plan relates to town centre uses and sets out that within Kirklees, main town centre uses shall be located within defined centres. These consist of principal town centres, town centres, district centres and local centres. This Policy outlines that proposals that have a significant adverse impact on the vitality and viability of a centre or compromise the role and function of a centre will not be supported. This Policy goes on to note that

main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported.

Policy LP15 of the Kirklees Local Plan relates to residential use in town centres. Proposals for residential uses 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 floors, and shall not prejudice existing established uses;
- b. the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;
- c. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,
- d. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;
- e. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;
- f. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
- g. provision of affordable housing in accordance with policies set out in the Local Plan; and
- h. the provision of refuse storage and collection.

In respect to the proposed dwellings, the site is within a sustainable location within Linthwaite Local centre and close to public transport links. The building at ground floor level is currently operated by a café and fish and chip restaurant/takeaway. The proposed development would provide 4 new units of residential accommodation on the first floor and basement level of the building, 2 units of residential accommodation already exist at first floor level. The proposal would therefore utilise an existing brownfield site. This would increase the supply of housing at a time of national shortage. The principle of development, in this respect, is considered to be acceptable subject to the assessment of material planning considerations.

2 – Impact on Visual Amenity and Heritage Assets

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. Section 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.

LP35 states that: *‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of this 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’.*

Paragraph 199 of the NPPF 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...”* This is further supported by paragraph 202 of the NPPF which outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, this weight should be weighed against the public benefits of the proposal.

In addition, the NPPF offers guidance relating to design in Chapter 12 (achieving well-designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 of the Kirklees Local Plan 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...”

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.”*

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.

Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 15 of the Housebuilders design guide 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. Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Regarding visual amenity and the impact on the Conservation Area, the majority of the works are to consist of internal alterations and as such would have minimal, if any impact on the significance of the Conservation Area. However, external alterations are also proposed in the form of an extension to the part of the existing building, which would see an increase in the roof height of around 2.4m. The extension is to have a pitched roof constructed from grey concrete roof tiles and would be stepped down from the ridge of the existing dwelling. Changes also include the installation of 4 new doors and 3 new windows within the rear elevation, alongside the installation of 2 new windows within the front elevation of the host property. These are to be similar in size and design to windows already existing on these elevations, include stone lintels and are to be constructed from white UPVC to match the existing windows and doors.

Whilst the proposed extension would be built flush with the principal and rear elevation of the existing building and would not provide a separation distance to no. 998A Manchester Road, this layout is deemed to be most appropriate in this location given its linear appearance which is reflective of the existing row of terrace properties along this stretch of road. The proposed extension does seek to provide a pitched roof design which benefits from a lower ridge height when compared to the host dwelling, this does help to ensure the proposals appear subservient in scale. Overall officers are satisfied with the design and materials proposed, with detailed conditions, as noted within the previously refused application (2022/90728), Conservation & Design officers would wish

to see the existing clay ridge detailing and matching roof slates be provided on the roof of the proposed extension. That being said this could be controlled via a condition should planning permission be granted.

The proposals are therefore deemed to be reflective of the local character in style and materials and would be acceptable in this location.

Officers would conclude that the proposals would have a neutral impact to the significance of the Conservation Area. The proposals would update the existing building in line with modern building standards, which in turn will help rejuvenate the building visually whilst also ensure it remains safe and useable for the future. It is therefore considered that these benefits would have a neutral impact on the character and appearance, and may indeed enhance, the Conservation Area.

For the reasons outlined above, the proposed alterations are considered to not harm the visual amenity of the area or indeed the setting and significance of the Linthwaite Conservation Area. The proposals are therefore considered to be in accordance with Policies LP1, LP2, LP15(a), LP24(a) and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide SPD.

3 - Impact on Residential Amenity

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

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

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

As noted above, Policy LP15(d) sets out that proposals for residential uses in town centres should protect the amenity of existing residents and future occupiers of the proposed residential use, 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. Paragraph 187 of the NPPF states that planning 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."

Principle 6 of the Housebuilders 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.

Impact on no. 998A Manchester Road

This neighbouring property adjoins the application site to the north-east. Given the location of the proposed extension which would be constructed against a blank gable belonging to 998A, and the nature of the change of use there are no concerns with regards to overlooking, overshadowing, or the proposals appearing overbearing on no. 998A Manchester Road in this instance.

Impact on Flat nos. 1, 2 & 3 1006 Manchester Road

These neighbouring properties adjoin the application site to the south-west. Given the location of the proposed extension and the nature of the change of use there are no concerns with regards to overlooking, overshadowing, or the proposals appearing overbearing on flat nos. 1, 2 & 3 1006 Manchester Road in this instance.

Impact on nos. 7, 9, 11 and 13 Coldwell Street

These neighbouring properties are located to the rear of the site approximately 18m away. Given the large separation distances between the proposed flats and the above neighbouring properties, there are no concerns with regards to overshadowing. Whilst the proposals will see an increase in massing to part of the existing building, this element of the scheme will be viewed against the existing three storey buildings located adjacent to nos. 7, 9, 11 and 13 and it will have a lower ridge height than the host building at present. Therefore, there are no concerns with regards to the proposals appearing overbearing in nature. Finally, whilst the proposals fall short of the recommended 21m separation distances outlined within the Housebuilders Design Guide SPD, it is considered that the proposed 18m would be sufficient in this instance, and it is noted that similar relationships already exist on Coldwell Street and therefore this layout is not uncommon in the area.

Amenity of future occupiers

Principle 16 of the Housebuilders Design Guide seeks to ensure that all new build dwelling should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Whilst the development here is the conversion of an existing building, alongside a small extension to the roof, it is considered that the same basic ethos is relevant. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan. The Council nonetheless 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.

In this instance officers note that the internal floor space for three of the flats would meet the Nationally Described Space Standards for a single storey unit, although it is noted that Flats 2 & 3 could only be occupied by a single person to ensure compliance. On balance, these 3 flats are considered acceptable in terms of the internal floorspace amenity they would provide. However, it is acknowledged that Flat 4 would not meet the requirements of a 1-person unit set out in the NDSS, and officers are very much concerned that this would result in a poor standard of amenity for the future residents of this unit due to the limited internal floorspace and therefore cannot support this proposal on this basis.

For flat 4 this is further compounded by the limited floor to ceiling heights provided within Flat 4. The technical standards require a head height of 2.3m for at least 75% of the gross internal area, Flat 4 would provide a head height of 2.2m throughout the whole of the unit.

The apartments would provide outlook and natural light from windows within either the front or rear elevations. Whilst Flat 4 does benefit from 2 windows within the front elevation and would be acceptable, Flats 1, 2 and 3 have a severely restricted outlook and natural light from their single window facing north. The depth of the studios would result in limited light penetrating these units. Furthermore, the single window and door would have an outlook to a shared parking area as the proposed windows would look out towards the car parking area as well as not receiving any direct sunlight given their northern orientation. Furthermore, the proposed bedroom areas are located to the rear of the units and therefore would have an even further limited access to natural light from the proposed window, it is therefore concluded that Flats 1, 2 and 3 would not provide an acceptable residential amenity for future occupiers of the units. In addition to this, the commercial bin storage area is shown close to the doorway of flat 1 which cause also cause noise and disturbance to residents of this unit.

In relation to Principle 17 of the Housebuilders Design Guide SPD, it is considered that the lack of outdoor amenity space is unfortunate. However, the proposed dwellings would be sited within Linthwaite Local Centre, and within reasonable walking distance to the Pennine View Recreation Ground. It is also noted that other apartments located along Manchester Road have a similar arrangement and therefore the proposals are considered to be acceptable in this instance.

It is also noted that previously KC Environmental Health also raised some concerns with regards to noise and odour pollution and therefore requested that a Noise Impact Assessment, Sound Insulation Test and Odour Impact Assessment be submitted to the Council prior to a decision being made on the application. This was to ensure that there will be no loss of amenity to the occupiers of the proposed flats either from road traffic on Manchester Road, or from the commercial operations either above/below or in the vicinity of the

site. A higher level of sound insulation would also need to be considered where a residential property and commercial property share a party wall/floor/ceiling. This information was requested in August 2022 under previously refused application 2022/90728 and was outlined within the Officers Report. Unfortunately, this information has again not been provided within the application submission. Without this information and taking into account the close proximity of a number of extract ventilation systems to apartments 1-3, the commercial bin storage area adjacent to apartment 1 and Manchester Road even if a satisfactory noise and odour impact assessment was submitted, this is unlikely to result in a good standard of amenity for future residents. Overcoming these matters satisfactorily would not alter the substandard size and ceiling height of unit 4 or the dark and oppressive living conditions for residents of units 1-3.

Taking the above into account, Officers consider deem the proposals to fail to provide a good standard of amenity for future occupants of the flats as required by Chapters 12 and 15 of the National Planning Policy, LP24b and LP15d of the Kirklees Local Plan, and principle 16 of the Housebuilders Design Guide SPD.

4 – Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the 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 proposals seek to convert the part of the existing commercial premises to form 4 no. 1 bed flats with the retention of 2 existing flats. Access is to be taken via Manchester Road, with vehicular parking provision of 8 spaces provided to the rear off Coldwell Street. The utilisation of the existing access and parking spaces provided is considered to be acceptable, this view is supported by the Council's Highways team who were consulted on the previously refused scheme at this site, under application reference 2022/90728.

Whilst no details have been provided with regards to the storage and aid of the collection of waste, should planning permission be granted a condition is recommended requesting this information be provided.

For the aforementioned reasons it is concluded that subject to conditions, the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and the guidance contained within the National Planning Policy Framework.

5 – Other Matters

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.

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

The application is supported by a Climate Change Statement, this statement outlines that materials are to be sourced locally and are to have a long life to require little maintenance to be carried out. The building will also use one centralised CH systems for heating and solar panels will be considered. Low energy lights and lighting controls will also be installed, alongside dual flush toilets and spray and low-flow taps to reduce water usage.

Given the above, and that as a minimum the dwellings and extension will be constructed to the latest building control standards which would include efficient heating and thermal elements inside the buildings, it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council’s Climate Change Agenda.

Biodiversity

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 9 of the Kirklees Housebuilders Design Guide is also of relevant.

Whilst it is acknowledged that the application site is located within a bat alert area, given the tight relationship between the host building and no. 998A Manchester Road and that the roof appears to be well-sealed and the area is well illuminated it is considered unlikely that bats would be roosting in this location. Nevertheless, should planning permission be granted an informative is recommended highlighting to the applicant what to do should roosting bats be found during construction works.

There are no other matters for consideration.

6 – Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal. This takes into account that the Council cannot currently demonstrate a 5-year housing land supply. Notwithstanding this, and even applying the tilted balance, the severely poor living conditions of future occupiers does not outweigh the provision of additional units of housing at this time.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2023/92649

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1.The proposed development, by reason of the severely limited amount of useable internal floorspace and restricted floor to ceiling head heights for proposed flat 4, coupled with the restricted natural light and outlook achieved by Flats 1, 2 & 3 at basement level would provide a poor standard of amenity to future occupiers of these residential dwellings. Therefore, the development

would be contrary to the aims of the National Planning Policy Framework paragraph 130(f), Principle 16 of the Housebuilders Design Guide SPD and Policies LP15d and LP24(b) of the Kirklees Local Plan.

2. It has not been demonstrated that the amenity of future occupiers could be protected from noise and odour pollution emanating from the A62 Manchester Road and the proximity of commercial food and drink uses to the application site. Without such information future occupiers could be subjected to a poor living conditions and quality of life. On the basis of the submitted application the proposals are therefore contrary to Policies LP15d and LP24b of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework paragraphs 130(f) and 185.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	-	-	6 th September 2023
Ext & Prop Plans	HD75QQ1000-v1	-	15 th September 2023
Ext & Prop Plans and Ext & Prop Elevns	HD75QQ1000-v1	-	15 th September 2023
Ext & Prop Elevns and Prop Site Plan	HD75QQ1000-v1	-	15 th September 2023
Planning, Design/Access and Heritage Statement – Supporting Information	-	-	6 th September 2023
Climate Change Statement – Supporting Information	-	-	18 th September 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments or additional plans have been sought as the proposals were deemed to be wholly unacceptable upon submission. Similar conclusions were also made within the recently refused application 2022/90728 by which no alterations have been made to overcome Officers’ previous concerns.

Report Dated:

25/10/2023