

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:	2023/62/93296/E
Site Address:	75a, North Road, Kirkburton, Huddersfield, HD8 0QE
Description:	Conversion and alterations of existing office into living accommodation (within a Conservation Area)
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL FULL PERMISSION

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

Emma Thompson

AUTHORISED OFFICER

Date: 15-Feb-24

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Site Description

75a, North Road, Kirkburton, Huddersfield, HD8 0QE is a first-floor officer which is situated above Lintons Hairdressing.

The building is constructed out of stone and situated in the Kirkburton Conservation Area. The town centre is located 30m east of the application property.

The site does not benefit from off street parking and is near the pavement edge.

The vicinity is mixed use with shops and residential properties; however, the building palette is cohesive as is the building line.

Description of Proposal

The applicant is seeking permission to change to use of the first floor of the building which is currently used as an office to a flat.

The property would have one bedrooms and additional rainwater goods would be added.

The property has a detached garage and space for parking to the northern elevation.

Relevant Planning History

2011/92289 – conversion of existing window into door within conservation area – approved

2017/92193 - Alterations to existing window to form door (within a Conservation Area)- approved

Representations

The application was advertised by neighbour letters which expired on 26/12/2022

No comments were received in response to the application

Consultation Responses

KC Highways DM: No objections or conditions required.

KC Waste: Requested the location and collection point of the bin collection.

KC Environmental Health: No objections

Conservation and Design: No objections but rainwater goods should be black.

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 27th February 2019).

The site is located in the Kirkburton Conservation Area.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP13** – Town Centre uses
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 35** – Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023 , and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport

- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).
- Nationally Described Space Standards (NDSS)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This policy stipulates proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The proposal is to change the use of the property from an office to residential use.

Housing supply

Alongside the above, the proposal would also lead to the formation of a residential unit and therefore it is considered appropriate to consider the Councils housing land supply position.

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 NPPF was updated on 20th December, paragraph 76 states:

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.

The Council's Local Plan was adopted in February 2019 and is currently less than 5 years old. Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 70 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".

Policy generally seeks to support residential development upon unallocated sites. The development would make more efficient use of the existing site, as such residential development is acceptable in principle.

Having taken into account general policies regarding the conversion of buildings, within the wider context, it has been considered that the principle can be supported, as the property is historically known as being of residential use. As such, an assessment against other material planning considerations will be taken into account below.

2 –Impact on visual amenity and Conservation Area

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states that the form, scale, layout and details of all development respects and enhances the character of the townscape.

With respect to the general design advice contained within Chapter 12 of the NPPF, it is stated that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of

sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

In this case, officers note that much of the proposed works would be internal in order to convert the existing property into a dwelling; however, there are the insertion of rear windows and alterations to the existing rain water goods via an additional down pipe on the gable elevation and rear elevation and an additional pipe running across the gable.

KC Conservation has been informally consulted on this application and has not raised any concerns providing that the rainwater goods are matching to those on the existing building.

Therefore, having taken into account the above, it has been considered that the proposal would be of a satisfactory design quality and would be in keeping with the wider street scene. As such, the proposal would accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan require developments to have a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The property would not require any significant external alterations to be converted into a dwelling. Windows are inserted to the rear elevation to provide natural light to the accommodation.

Due to the separation distance between the proposal and neighbouring properties no significant issues would be raised regarding the residential amenity of the occupiers of neighbouring properties.

Future Occupiers:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account principle 16 of the Kirklees House Builder's Design Guide which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National space standards require the following gross internal floor area for a one storey dwelling:

- 1 Bedroom, 1-person dwelling set over 1 storeys- 37 (39) square metres
- 1 Bedroom, 2-person dwelling set over 1 storeys- 50 square metres

Initially the application was submitted with two bedrooms; however, officers raised concerns relating to the number of bed spaces as the flat has an internal footprint of 54m² and this would not meet the space standards required for such accommodation. The proposed floor plans have been amended to one two person bedroom and a study. It is considered, on balance, that an acceptable standard of living would be demonstrated if the proposal received planning permission.

Due to the proposed dwelling not increasing the footprint of development within the site, it is considered that sufficient amenity space would be retained should the proposal receive permission and would not represent an overdevelopment of the site.

Applications for residential use will be considered having regard to the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with Policies LP24 and LP52 of the Local Plan, and will in particular consider matters such as privacy, noise and air quality. It is acknowledged that the site is located out of the town centre; however, KC Environmental Health have expressed concerns about noise in view of the location of the property above a hair salon. In this case it is necessary for a condition requiring a noise impact assessment in order to ensure adequate mitigation measures can be incorporated. The assessment should determine the existing noise climate taking all likely noise sources, including any external fixed plant 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.

Subject to condition, it is considered that the proposal would have an acceptable impact on residential amenity and would be compliant with the aims of Policies LP24 (b) (c) and LP52 of the KLP.

4 – Impact on highway safety:

KC Highways DM have been informally consulted as part of this application, as the site is currently in use as an office. It is considered that, the site is currently used as an office has on street parking. There is no associated parking with the existing units. Officers consider that the proposal would comprise of one bedroom and therefore would be unlikely to generate significant parking requirement. Therefore, the existing on street parking is considered to be sufficient.

Additional plans were requested by officers to indicate where the refuse storage would be on site. KC Highways were shown these plans and no objections raised.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan.

5– Other matters:

Carbon Budget

The proposal is for a material change of use to residential use. It would be appropriate in this instance to impose a condition requiring the installation of an electric vehicle charging point, in accordance with the Council's sustainability agenda. However, as the site does not have any private parking, this is not required in this instance.

6 – Representations:

The Parish Council have submitted an objection to this proposal due to the loss of office space.

Officer Response: As previously highlighted, the site is not located within the Kirkburton Town centre and is therefore not required to be assessed against LP13 of the Kirklees local Plan.

7 – Negotiations:

Officers raised concerns about the number of bed spaces in relation to nationally described space standards. The agent has amended the plans to feature one bedroom and a study and this is acceptable to officers.

8 – Conclusion:

This application to change the use from an office to residential dwelling has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/62/93296/E

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

3. Before work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and any commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained. **Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors of the development is of a minimum of 55 dB Dntw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

3. The external rainwater goods of the development hereby approved shall in all respects match those used in the construction of the existing building and thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 and LP35 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Site Plan	SP 01 REV:A	6/2/2024

Plan Type	Reference	Date Received
Proposed Floor Plans	PD 03 REV A	1/02/2024
Elevations Existing	PD 02	6/11/2023
Proposed Elevations	PD 04	6/11/2023
Existing Floor Plan	PD 01	6/11/2023
Location Plan		6/11/2023

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 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.

Officers requested the number of bedrooms on site was reduced and a site plan which shows the location of the bin storage.