

**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>2023/62/93588/E</b>
Site Address:	Pie Shed, 1, Green Lane, Westborough, Dewsbury, WF13 4DJ
Description:	Alterations to convert shop/cafe/storage to 8 flats
Recommending Officer:	Edward Cheseldine

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 6<sup>th</sup> February 2024

## **Officer Report**

2023/93588 - Pie Shed, 1, Green Lane, Westborough, Dewsbury, WF13 4DJ

### **Site Description**

1 Green Lane is a two-storey building with an industrial presence owing to its form, materials and details. The building has a pitched roof which are clad with stone slates, large windows openings are formed on the first-floor of the building which are characteristic of sash openings, which have been replaced with top opening casement windows. Exterior walls are stone with corbel features, the east elevation has been painted a cream colour. On the ground floor are two large openings with security shutters installed. The west elevation of the property forms a boundary treatment with No. 130 Staincliffe Road.

The buildings in the local vicinity include a broad range of different types that vary in terms of age, style, material and size. Other former industrial buildings in the area have been converted into residential dwelling. To the north-east of the dwelling rests an allotment space and car park.

### **Application Description**

The applicant is seeking planning permission for alterations to convert the building from a shop/café/storage use to 8 residential apartments. Additional window and door openings would be formed on the east and west elevation of the building.

### **Relevant Planning History**

None.

### **Public Notifications**

Neighbourhood notification letters were distributed to advertise the application, and as a result of site publicity, two representations were received. Full comments can be viewed on the Kirklees planning website. A summary of the planning related comments is as follows;

- There are no off-street parking spaces provided which would cause a parking issue in the surrounding vicinity.
- There is no designated bin storage area.

- There will be an overlooking impact from the openings on the west elevation.

These impacts will be assessed within the residential amenity and highway safety section of the report.

### **Consultation Response**

KC Planning Policy- Informal consultation. No comment on the change of use of the building.

KC Highways DM – An informal consultation with Highways took place which will be discussed within the highway safety section of the report.

### **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 unallocated on the Kirklees Local Plan Proposals Map.

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 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 and National Planning Policy Framework (NPPF) policies considered relevant to the proposal are as follows:

#### **Kirklees Local Plan Policies:**

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping

- LP 7 – Efficient and effective use of land
- LP 20 – Sustainable Travel
- LP 21– Highway safety
- LP 22 – Parking
- LP 24 – Design

### **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> December 2023, and 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 2** – Achieving sustainable development
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well designed places
- **Chapter 16** – Conserving and enhancing the historic environment

### **Other material planning considerations:**

- Highways Design Guide
- Housebuilders Design Guide
- Technical housing standards – nationally described space standards
- Waste Management Design Guide for New Developments (Version 5, October 2020).

### **Assessment**

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental matters
- 5) Representations
- 6) Conclusion

#### Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of

sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

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

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 NPPF (paragraph 76) states Local Planning Authorities are not required to demonstrate a 5 year land supply if their adopted plan is less than 5 years old and the plan identified at least a five year supply of sites.

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 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 building will be divided into 8 residential dwellings each with one ensuite, there will be a shared services area and an office. The planning agent has provided a floorspace calculation for each flat. Although the Council has not adopted space standards within its Local Plan, the guidance set out by the Government’s nationally described space standards has been followed. As such each dwelling would be suitable for single occupancy.

KC Planning Policy was consulted on the application; they had no concerns with a change of use of the building to residential dwellings given its locality.

No off-street parking spaces would be provided for the dwellings, LP20 states, *‘The council will support development proposals that can be served by*

*alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day to day activities’.* The site is located in the vicinity of roads that have medium frequency buses to Dewsbury town centre. There are two convenience shops and a pub that are in walking distance from the site, with a post office ~1.00km away. To the north of the site rests a health centre and Dewsbury Hospital, both of which are within walking distance. The location therefore would be suitable for a car-free development which accords with Policy LP 20 of the Kirklees Local Plan.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

#### Impact on visual amenity

The building would undergo alterations consisting of reopening two windows on the first-floor, west elevation and new openings on the ground floor west elevation. On the east elevation, new openings would be formed on the ground floor. These windows relate to the size and style of the existing sash openings. Additionally, new entranceways would be formed on the west elevation, with the existing garage style opening closed up.

1 Green Lane is situated in a prominent position which is visible from Staincliffe Road as well as Green Lane, the building is part of a collection of industrial buildings that form a part of the character of the area. The alterations retain the character of the building whilst providing light through openings that relate to the style of current openings. There are no extensions proposed as part of the application. The proposal accords with Principle 2 of the Kirklees Housebuilders Design Guide in relation to the development respecting the local character of the area.

#### Impact on Residential Amenity

Section (c) LP24 states that alterations to existing buildings should:

*“minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

- 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.

The properties that will be affected by the development will be 130 Staincliffe Road only. By way of distance, there will be no other properties affected.

#### *Impact on 130 Staincliffe Road*

130 Staincliffe Road is the immediate dwelling to the west of the application site. The west boundary elevation of the application building forms the boundary between the sites, which currently has tall evergreen trees climbing up the side of the building to create separation. Within the west facing wall a bricked up opening would be re-opened to serve Flat no.5. This and an existing opening would have an immediate view into the occupants of 130 Staincliffe Road's private amenity space. Notwithstanding the above, the relationship of the property is very close, there is an angle of outlook into habitable rooms of No. 130 from some of the windows at a 45oC angle of outlook. The relationship would compromise the privacy of 130 Staincliffe Road which fails to accord with LP 24 (c) & Principle 6 of the Kirklees Housebuilders Design Guide SPD by way of detrimentally impacting the privacy of neighbouring occupants.

Taking into account the existing situation as a consideration in the assessment of the impact of the proposed development on residential amenity, whilst it is noted that the submitted plans show what appears to be an existing ancillary flat at the first floor level with the existing openings on the western elevation serving that living accommodation, Google Streetview images from October 2020 to June 2023 show these openings to be covered substantially by ivy. As such, the proposed development would result in an overlooking impact over and above that which has existed in recent years.

### *Amenity of Future Occupants*

Principle 17 of the Kirklees Housebuilders Design Guide states all new houses should have adequate outdoor space that is functional and proportionate to the dwellings. There is no associated functional outdoor space provided to the future residents of the dwellings. However, there is a sports and recreation field located ~150m from the application site and another usable outdoor park to the west ~330m from the site. The apartments are single bedroom dwellings therefore they will accommodate single residents. It is considered there is sufficient usable outdoor space within walking distance for the residents that accords with Principle 17.

In respect of the Technical housing standards – nationally described space standards, the units would accord with the required minimum floorspace (39 sqm) for a 1 bed, 1 person flat, with the exception of Flat no.5 which would be over the threshold for a 1 bed 2 person flat. Notwithstanding this, Officers consider that the majority of the units would have a poor outlook with only one window opening to the east elevation, particularly those at ground floor level which would face a car park with palisade fence at close quarters. In addition, the window in the west elevation at first floor level serving Flat No.8 would face directly onto the gable end of No.130 with only a very small gap of separation. On this basis, the proposals, by virtue of their layout and design, would fail to provide appropriate living conditions to future occupiers with reference to daylight and outlook, resulting in a poor standard of amenity contrary to Policy LP24 of the KLP and the key design principles of the Housebuilders Design Guide SPD.

### Impact on highway safety

In terms of parking the Kirklees Highway Design Guide states there is no requirement for a dwelling of 1 bedroom to have off-street parking. There is free parking in the surrounding streets, although it is considered there are parking issues due to the proximity of Dewsbury Hospital, however additional accommodation would not amount to a significant deterioration to the present issues.

No bin storage facilities have been indicated on the plans, if there were no outstanding issues, a designated storage facility would be a requirement of approval.

Additionally, as this facility is considered to support sustainable travel, bike storage facilities would need to be incorporated into its design.

## **Conclusion**

This application for a change of use to 8 residential dwellings has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework, Local Plan and other material considerations. Given the harm the residential dwellings will have on the privacy of the neighbouring occupants the application should be refused.

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 not constitute sustainable development and is therefore recommended for refusal.

**Recommendation**

**Refusal**

## Reasons for Refusal

1. The proposed development, by virtue of its layout and design, would fail to provide appropriate living conditions to future occupiers with reference to daylight and outlook, resulting in a poor standard of amenity. To permit the development would be contrary to Policy LP 24 of the Kirklees Local Plan, Principle 6 of the Kirklees Housebuilders Design Guide SPD & paragraph 135 of the NPPF.
1. The proposed development, by virtue of its layout and design, with particular reference to Unit 5, would result in a loss of privacy to the occupiers of 130 Staincliffe Road, contrary to Policy LP24 of the Kirklees Local Plan, Principle 6 of the Kirklees Housebuilders Design Guide SPD & paragraph 135 of the NPPF.

## Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	LP	1	05/12/2023
Existing grouped plans and elevations	01	1	05/12/2023
Proposed grouped plans and elevations	02	1	05/12/2023

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. No amendments were sought.

