

**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:	2023/62/93715/W
Site Address:	Waverley United Reformed Church, Waverley Road, Huddersfield, HD1 5NA
Description:	Alterations to and change of use of teaching institute (use class F1) to form 10 apartments (use class C3) with associated external works including formation of car parking (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – Conditional Full Permission – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 27/08/2024

Officer Report – 2023/93715

Waverley United Reformed Church, Waverley Road, Huddersfield, HD1 5NA

Site Description

This planning application relates to a former church located within a mainly residential setting approximately 160m from Huddersfield Town Centre. The church has a cruciform plan, but with a north-south orientation and with the two transepts closer to the southern end. There is a tower positioned at the northeastern corner and a historic flat roofed extension, in matching stone, built around the southeastern corner.

The building sits within a compact plot in which the space at the western side is available for parking, with a gated access at the northwestern corner. There is a small amount of land to the north and east which is landscaped.

The building on the plot to the east, and immediately across the road to the north, are in community uses, consisting of a mosque / Muslim community centre, and a Mencap day centre, respectively.

The site is within the Greenhead Park / New North Road Conservation Area. There are listed buildings to the south and northeast.

Description of Proposal

The application is for alterations to and change of use of a teaching institute (use class F1) to form 10 apartments (use class C3) with associated external works including formation of car parking.

Two of the units would be maisonettes, with accommodation spread over the first and second floor, and would each have two bedrooms. The remaining eight units would all be single-bedroom, including two studio flats and six conventional flats with separate living rooms and bedrooms.

The existing openings would be reused. Two new external door openings would be created.

Six parking spaces would be designated within the western part of the site. A cycle store would be placed near the northeastern corner, a short distance from the Waverley Road frontage, and storage facilities for refuse containers laid out along the western boundary. All existing trees would be retained and the following landscape improvements would be carried out: sowing between the eastern wall of the building and the boundary, planting of three trees in the same locations, and planting of shrubs and a very short stretch of native hedgerow on Waverley Road frontage.

History of negotiations/amendments received

May 2024: Submission of amended plans and elevations, Arboricultural Report and Impact Assessment.

August 2024: Amended and additional design details.

The amended plans and reports were not re-publicised as they were not considered to raise new issues that would necessitate the opportunity for public comment.

Relevant Planning History

This site:

None.

Adjacent land:

2021/90950 – Prior approval for change of use from office to nine residential units. Refused on the grounds of: 1) not permitted development; 2) failure to provide elevations and floorplans and it has not been demonstrated that natural light would be adequate; 3) Lack of clarity regarding parking.

Representations

Final publicity date expired: 12/04/2024.

The proposal was publicised by site notice (two notices) and a press advertisement in addition to neighbour letters, as it falls within the definition of Major Development. In addition, the proposal concerns land within a Conservation Area and would affect the setting of a Listed Building.

Six representations were made as a result of publicity. These comprised one in support, one comment and four objections. The contents of the representations are summarised below:

In support and comments:

- The conversion will improve the area.

Huddersfield Civic Society fully support the principle of a conversion suited to living accommodation. However we note a distinct lack of detail knowing this is a building of significant historic interest and sits within the conservation area. Would question the statement "No significant impact" given the alterations to doors and skylights. A Heritage assessment may be required. The existing trees are omitted from location/site ground plans. Possibly insufficient parking spaces for 11 apartments.

- Disturbance during construction;

- Increase in on-street parking;
- Local residents are already suffering due to extra traffic and noise caused by the mosque visitors, these apartments would cause further nuisance.

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 Highways Development Management – Support subject to conditions.
- KC Environmental Health – Support subject to conditions.
- KC Conservation & Design – Support subject to conditions.
- KC Ecology – No objection in principle but requested a further emergence survey. This was supplied by the applicant and KC Ecology were reconsulted (25/07/2024) but did not provide further comments.
- KC Housing – Minimum 20% affordable housing should be provided (note: this is no longer applicable because of reduction in number of units)
- KC Lead Local Flood Authority – No objection.
- KC Waste Collection – Support subject to conditions.
- West Yorkshire Police Designing Out Crime Officer – Support subject to condition.
- Yorkshire Water – Support subject to standard conditions.

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 27/02/2019). The following designations and constraints are noted:

- Greenhead Park / New North Road Conservation Area
- Coal referral area (Development High Risk Area)
- Bat alert layer
- Unlisted (nominated) Asset of Community Value
- There are several mature trees within the site that are protected by virtue of the site's being within a Conservation Area.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 2:** Place shaping
- **LP 3:** Location of new 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 33:** Trees
- **LP 35:** Historic environment
- **LP 52:** Protection & improvement of environmental quality
- **LP 53:** Contaminated and unstable land

Supplementary Planning Documents:

- Highway Design Guide SPD
- Housebuilders Design Guide SPD
- Open Space SPD

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

Other documents:

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05/09/2023, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 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 8 – Promoting healthy and safe communities
- 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
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment

The following matters are considered in the assessment below –

- Principle of development
- Housing issues
- Impact on visual amenity (including heritage considerations)
- Impact on residential amenity
- Impact on highway safety
- Other matters – e.g. trees/ecology (e.g. bats)
- Representations
- 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. Policy LP1 further states:

“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 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 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. The 2022 Housing Delivery Test (HDT) measurement, published December 2023, demonstrated that Kirklees had achieved a 67% figure of delivery of new homes built compared to housing needs over the previous three years, and as such failed the HDT as the delivery of housing had fallen below 75%. In such circumstances the presumption in favour of sustainable development applies. 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.”

As the adopted plan is now more than five years old, 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 for application, where applicable, will be set out in the officers' assessment.

The proposal would result in the loss of an established use as a community facility, and as such the provisions of LP48 apply. These state that the loss of a "valued community facility" to other uses will only be permitted where:

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
- b. its current use is no longer viable; or
- c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
- d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
- e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.

According to the submitted Design & Access Statement, the property was originally bought to use as a teaching institute but due to the new institute created next door this is no longer considered to be the most appropriate use. The applicant's agent claims that the building has been vacant for at least three years. No evidence of past marketing has been supplied.

It is noted, however, that there are five other churches within a 400m radius of the site. It is therefore considered that the development fulfils the requirements of part (c) as it would not result in the loss of a facility that is in short supply locally. It is also noted that two substantial neighbouring buildings offer various community facilities. Part (e) does not apply since it is only a nominated, not listed, asset. In conclusion, the aims of Local Plan Policy LP48 are met.

Other policies throughout the Local Plan, including Policy LP7, promote the re-use of existing buildings and the use of brownfield (previously-developed) land to meet development needs and support the regeneration of areas (this is identified as a Strategic Objective at paragraph 4.5), and policy LP24 states that proposals should promote good design by ensuring high levels of sustainability through the re-use and adaptation of existing buildings. Similar policy objectives are set out in chapter 11 of the NPPF.

2 – Housing issues including affordable housing and provision of open space:

Under the Housing Mix and Affordable Housing SPD the council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing. Since the number of units provided would be below the threshold, and as the proposal is does not form part of a larger site or project, no affordable provision will be sought. Similarly, the proposal does not pass the

threshold for open space provision under the Open Space SPD, or for education contributions.

The development would comprise solely 1- and 2-bed flats and therefore does not meet the mix of housing types as set out in Part 3 of the Housing Mix and Affordable Housing SPD, which recommends that no more than 60% in any one development should be 1- and 2-beds. However, it is acknowledged that the location and layout of the building may make it uneconomical to create larger flats alongside smaller units. Furthermore, the proposal would contribute towards meeting the demand for 1- and 2-bed which are the single most important type to be sought in this area according to the SPD.

It is therefore considered that the housing mix proposed is, in principle, acceptable.

3 – Impact on visual amenity and heritage considerations:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. In this context preservation means not harming the interest of the building as opposed to keeping it unchanged. Section 66 of the Act is also relevant, as it relates to the settings of listed buildings.

Furthermore Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that harm should not be permitted without a proportionate justification. This approach is also supported by Policy LP35 of the Local Plan.

118-136 Fitzwilliam Street, 36-40 Portland Street and 1 Spring Bank are grade 2 Listed.

No character appraisal has been published for the Greenhead Park / New North Road Conservation Area, however key aspects of the area (that contribute positively to its significance) can be identified. These include the age of the majority of buildings within the area, the consistency in building materials, the generous space (and greenery, including trees) provided around some buildings, and the notable landmarks in the form of numerous churches and former institutions (some of which are no longer in their original use). The former Waverley United Reformed Church at the application site, its materials, tower, surrounding space and tower all contribute positively to the significance of the conservation area.

Since the proposed development involves no new build and only minor changes to the exterior of the building, it is considered not to adversely affect the character and appearance of the Greenhead Park / New North Road Conservation Area, nor the setting of nearby listed buildings, and the proposal is therefore considered compliant with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal involves no new build and ensures the retention of the existing boundary treatments and trees. The most noticeable visual changes to the grounds would be more cars parked within the curtilage and the formation of a bin store (details of which would need to be conditioned to ensure it is screened in a way that conserves and enhances the character of the area). There would be improvements to the existing soft landscaping.

The only external alterations to the existing building would be to doors and windows comprising new entrance doors, the replacement of glass in existing frames, and the addition of ten roof lights (reduced from 12).

Officers expressed concerns early in the process about the lack of clarity concerning the windows, in that the drawings did not show the stone tracery or make it clear how much of the original glazing was to be retained. Furthermore, it was unclear how the new doors in the eastern and western elevations would be formed since the drawings showed the wall either side of the large arched window as flat when in fact it is stepped.

In response, amended and additional plans including a window schedule with photographs and brief descriptions were submitted. The window schedule is cross-referenced to the revised proposed elevation TR-A23-0802-006 rev G and floor plans TR-A23-0802-005 rev G.

Annotations and the updated Design and Access Statement show that the existing opening lights would be used to provide natural ventilation, with an HVAC (heating, ventilation and air-conditioning) system in place where there are no opening windows. This minimises alterations to the windows and is judged to be acceptable.

The applicant proposes to replace window PW01, a three-light mullioned window in the southern elevation, with a fire escape window, for which it is recommended it be conditioned that details be submitted for approval.

Leaded glazing is an important contributing feature to the character of the building and needs to be retained. The applicant's agent was advised that the rectangular panes could be replaced (with clear glazing if deemed necessary) and leaded in, but the patterned border glazing should be retained. The revised proposed elevation drawing TR-A23-0802-006 rev G includes the annotation 'All existing windows to remain but glass changed to clear'. Some windows are shown as obscured glass (including windows PW01 ND ew14). For clarity, a condition should be applied requiring details of all replacement glazing and windows, to be submitted for approval prior to window alterations being carried out, notwithstanding the details on the approved plans.

It is unclear from the submitted documents how fire protection and noise transmission would be addressed at first floor level without harming the character of the tall windows (both the smaller side windows with tracery and the larger side gable windows). A condition should be applied requiring

construction details of how the first-floor structure would interact with the windows to be submitted for approval prior to these works commencing.

KC Conservation & Design's latest comments state that the number of rooflights have been reduced from 12 to six – the plans now in fact show 10 new rooflights, but since KC Conservation & Design do not have any objection to the number of rooflights as shown (provided they are of conservation type, which can be conditioned) this is regarded as acceptable.

Amended drawings have been submitted to show the doorways to flats 2 and 3 omitted from the side gables. These are now in more sensitive locations (in the north wall) where there would be minimal impact on the architectural detailing. A condition should, however, be applied requiring 1:20 elevations and 1:5 sections of the proposed new external doors to be submitted for approval, to include the design and materials, door surround detailing, and depth within the reveals.

The bin store and cycle store, being set back behind boundary screening, are unlikely to have a large visual impact. Details, however, should be submitted, for the avoidance of doubt to ensure that they do not adversely affect the character of the area and to ensure that both are fit for their intended purpose taking into account security, future ease of maintenance, and other relevant considerations.

In conclusion, officers are now satisfied that subject to the recommended conditions above, the proposed development would conserve the essential qualities of the building and the positive contribution it makes to the Greenhead Park / New North Road Conservation Area, and that by bringing it back into use would assist in its future conservation.

The proposal is therefore considered to accord with the aims of Policies LP24 and LP35 of the Local Plan.

4 – Impact on residential amenity:

Privacy, outlook and space:

The following principles within the Housebuilders Design Guide SPD relate to residential amenity:

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 (NDSS). The council recognises the NDSS (although not currently adopted for planning purposes) as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

As originally submitted, one dwelling would have been of sub-standard floorspace. In the plans now under consideration, following the reduction in the number of units and rearrangement of internal floorspace, all apartments would meet or exceed the NDSS standards. The smallest single-bedroom apartment, Flat 4, would provide 40sqm of floorspace, which is 3sqm in excess of the recommended minimum. The 2-bed maisonettes would provide 80sqm, as against the minimum standard which is 70sqm.

The building is surrounded by developed land on all sides except for the highway, and the development to the west and south consists of residential properties that face the site. The proposed apartments would rely on the existing windows for light – it is, however, imperative that the development should not give rise to intrusive overlooking. All windows within the building are presently fitted with patterned glass which provides a high degree of obscurity. The plans state that most of the windows in the side elevations would be replaced with clear glass (the exception being the large window in the western elevation).

Flats 1 and 2 would have their windows (bedroom, and combined living accommodation for studio flat 2) only just over 2m from the eastern site boundary. Such a situation would normally be deemed unsatisfactory from the point of view of outlook and privacy, but it is noted that the floor levels in the building, which are higher than natural ground levels on the western side, would ensure that the windows would be well above the level of the boundary fence and would therefore not have their light or outlook obstructed. Moreover, the building on the adjacent site is not in residential use and it is considered that its users would not suffer from being overlooked. Whilst the privacy of future occupiers might be somewhat compromised as a result, future residents would be aware of this and it is on balance judged acceptable.

The only aspects of the conversion where there are potential concerns about impact on privacy are to the south and west. It must, however, be recognised that adopted highway (Back Fitzwilliam Street) exists between the application site and residential properties to the south on Fitzwilliam Street. To the south there is a distance of approximately 13m from two proposed windows to two ground floor windows within extensions belonging to 128 and 130 Fitzwilliam Street. One was originally intended to be a kitchen but is now a living room, the other is a bedroom. It is recommended that patterned or obscure glass be

retained for these windows or replaced with an alternative giving an equivalent degree of obscurity so as to prevent the possibility of mutual overlooking between opposing windows at close quarters. This is shown in annotation on the drawings. This means that the living room to Flat 1 and the bedroom to Flat 4 would have no outlook but would at least receive natural light.

For the south-facing bedroom windows of the flats above, this measure is considered unnecessary. The distance between the upper floor windows and the opposing, original upper floor windows in the dwellings opposite exceeds the recommended minimum of 21m. For the ground floor extension window in 130 Fitzwilliam Street the mutual distance would be approximately 15m, but it is considered that given the difference in levels it is unlikely to be perceived as intrusive.

To west, the closest mutual distance between windows would be approximately 18.5m (between the primary window to the studio flat '3' and the corresponding living room window in the flat above, and facing them, the existing 8 Wentworth Street). It is noted the dwellings forming the row, 4-12 Wentworth St, are set slightly higher than the ground floor accommodation in the former church. It is considered on balance, however, that the reduction in the standard separation distance by 2.5m would be difficult to justify and that obscure or patterned glazing must be retained. This can be conditioned and the architect has agreed to this.

The bedroom windows in Flats 5 and 6 would have a car parked adjacent to them. Similar arrangements are normally discouraged as they affect the outlook for future residents. In this instance it is considered that there is no realistic alternative, given the limited space within the curtilage of the building, and can be accepted.

KC Environmental Health have highlighted one possible source of noise that could affect future occupants. The proposed development is next to the Masjid Iman Mosque, and noise from vehicles using the car park may impact the amenity of future residents. The case officer concurs with KC Environmental Health advice that a condition requiring a noise impact assessment should be imposed. This should a) determine the existing noise climate; b) Predict the noise climate in living rooms, 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). Ideally, such a condition would require this information to be submitted (in the case of a new build) before work commences on the superstructure, or in the case of a conversion and adaptation, before development commences. Since work has already commenced, to avoid ambiguity it is recommended that the condition requires the information to be submitted within 28 days of the date on which the permission is granted, and that any necessary attenuation works be completed before the dwellings to which they apply are first occupied.

It is considered that the other aspects of the development, including landscaping and the formation of bin stores, would not give rise to any adverse impact upon existing residential properties, nor would the development give rise to levels of noise above those typical in a residential area.

It is recognised that the proposal involves no new build, and some works (stripping out and installation of floor) have already been undertaken. There is, however, a potential for loss of amenity to the occupiers of nearby properties from noise during the alterations to the building. Acknowledging the presence of inhabited dwellings close to the site boundary, it is recommended that the decision notice incorporates a condition restricting the times when noisy work activities (including deliveries) will be permitted. A requirement for a full Construction Environmental Management Plan would not, however, be justified.

In conclusion, it is recognised that the level of amenity offered by some dwellings within the scheme would be sub-optimal owing to limitations on outlook. Taking all factors into account including floorspace which meets or exceeds that set out in the NDDS, the standard of living is on balance judged acceptable. It is also noted that the development would enable the efficient reuse of a building that contributes positively to the character of the Greenhead Park / New North Road Conservation Area.

Subject to the above conditions the development would accord with the aims of Local Plan Policies LP24(b) and LP52, as well as Chapter 15 of the NPPF.

5 – Impact on highway safety:

The latest site layout shows six spaces provided within the curtilage of the building. The Highway Design Guide SPD recommends that as a starting point, the provision of one parking space for every apartment with one or two bedrooms should be regarded as desirable, with one visitor space for every four dwellings. In applying these standards, the specifics of the site must be considered, including its accessibility. In this instance the site is very accessible. It is less than 200m by road from the site entrance to the nearest point within Huddersfield Town Centre, and approximately 700m to the bus and rail stations.

It is considered that the provision of one space per dwelling would be excessive, and would in any case probably be impracticable owing to limited space. That amount of surface-level parking may also be harmful to the character and appearance of the Greenhead Park / New North Road Conservation Area and the settings of nearby listed buildings.

The original submitted layout was considered too cramped to function effectively and the number of parking spaces has been reduced accordingly. The layout now shown does not allocate the parking spaces but as it would amount to one space per two dwellings and one for visitors, it is considered satisfactory in terms of numbers for a development consisting of small

apartments in which it is unlikely that all would be occupied by car owners. The reduction in the number of spaces has also made them less cramped and more accessible. Electric vehicle charge points are not shown on the layout plan, and details of their number and location (a minimum of one) should be sought by condition.

There are parking bays on the side of the proposal site with limited waiting Traffic Regulation Orders, "Permit Holders Only Mon-Fri 830am to 630pm" to the east of the site, "Mon – Sat 8am to 6pm 60 minutes, no return 15 minutes" to the west of the site and "No waiting Mon – Sat 8am to 6pm" opposite. There are "No waiting at any time" TRO markings at each end of Waverley Road to protect the junctions. These would serve to prevent any additional long-term parking on the public highway close to the site. It cannot be guaranteed that car-borne visitors would always find a space available within the site, in which case visitors would probably choose to park in one of the bays on the southern side of Waverley Road (if available) which – it is recognised – may lead to further competition for parking spaces. Given the highly accessible location of the site, it is considered that it would not be possible to substantiate a refusal on such grounds.

The proposed communal bin store is considered to be acceptable in terms of capacity and is proposed in a location that would be convenient for residents to use whilst being far enough away from the building not for it to be a safety hazard (by reason of fire risk or allowing burglars to climb on top of to access windows). The presentation point is approximately 6m in from the entrance which is within the 10m adopted by Kirklees Council as the maximum drag distance for refuse workers.

The site plan shows a small cycle storage facility within the northeastern part of the curtilage. The architect has confirmed that it is intended to provide 10 spaces. It would therefore be adequate in capacity, however the illustrative design details shown on the latest version of the drawings are of a shelter of open canopy design, which is not acceptable for long-term residential cycle storage. A fully-enclosed facility should be provided so as to provide adequate protection from theft, and this should be the subject of a condition.

In conclusion it is considered that the proposed development is acceptable on highways grounds subject to further details of cycle storage and electric vehicle charge points being conditioned, and subject to the areas for the parking of vehicles and refuse collection being retained free from obstruction.

The proposed development sufficiently complies with the aims of Local Plan Policies LP20 and LP22.

6 – Other matters:

Climate Change:

The Local Plan pre-dates 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.

Within the submitted Climate Change Statement the following proposals to reduce carbon emissions are noted:

- New central heating combi-boiler and new radiators with zone controls for each flat.
- Smart meters to be installed.
- Cavity walls to be insulated and insulated plaster board to be used.
- All new white goods to be energy efficient.
- All new lighting to be low-energy.

The proposal involves bringing a vacant building back into use and as such represents a sustainable form of development since the adaptation and refurbishment process would give rise to much lower carbon emissions than a new build project of similar scale. Significant embodied energy/carbon savings would be achieved.

The proposal is therefore considered to be sufficiently compliant with the aims of sustainability and carbon reduction set out in NPPF chapter 14 and Local Plan Policy LP24.

Ecology:

Although the application was submitted in 2023, it was not made valid until March 2024, after mandatory biodiversity net gain (BNG) became applicable.

Under the statutory framework for biodiversity net gain as set out in the Environment Act 2021 and subsequent Government Guidance, subject to some exceptions, every grant of planning permission is subject to 10% BNG being delivered.

Under the BNG (Exempt Developments) guidance, development does not need to show a calculated 10% BNG if it would not impact a priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows

The Preliminary Ecological Appraisal, Biodiversity Accounting Assessment Report, and associated documents confirms that the existing habitat on site amounts to more than 25sqm, so the above exemption does not apply.

The reports find that the site consists largely of sealed surfaces with small areas of grassland and sparsely vegetated urban land, which are deemed to be of low quality, and urban trees, deemed to be of medium quality.

The proposed enhancements to existing grassland and bare ground would, it is predicted, lead to a net gain of 0.04 habitat units, equivalent to roughly 15% of existing biodiversity value in the form of modified grassland and individual trees. Details of all enhancements (species, etc) should be sought by condition requiring an Ecological Design Strategy to be submitted.

The applicant's latest bat emergence survey, having made observations on four separate days, found no bats emerging from the building. It recommends enhancements in the form of two artificial bat roost features, which can be covered by the above condition.

In conclusion, the development would, subject to details to be conditioned, deliver more than the required minimum 10% BNG without off-site provision or contributions and would thereby be in line with the aims of Local Plan Policy LP30 and Chapter 15 of the NPPF.

Trees:

There are several trees on the western boundary of the site that are protected by reason of them being located within a Conservation Area. In response to concerns expressed by officers over inadequate information, an Arboricultural Impact Assessment was supplied. Officers are confident that all concerns raised have been resolved and laid out in the Arboricultural Impact Assessment (AIA) provided by JCA (ref - 21732/TT). Subject to the tree protection measures in section 4.4 and 4.5 being adhered to (e.g. machinery or the storage of goods within the root protection zones) the development would ensure the protection of the trees and their continued viability and accord with the aims of Local Plan Policy LP33.

Crime and anti-social behaviour issues:

The Designing Out Crime Officer has raised no specific concerns about the proposal but has asked for a general condition seeking details of anti-crime measures, which should cover lighting, mean of access to the apartment building, strength and specifications of external doors and gates, and intruder alarms. This is considered reasonable since some of the flats would rely on shared entrances and would be surrounded by land which is not subject to passive surveillance from the street, which increases their vulnerability. Subject to such a condition it would thereby comply with the aims of Chapter 8 of the NPPF.

Drainage:

The site is not within an area known to be at risk from flooding. The existing building has a connection to mains drainage. Since the proposal involves no newbuild and would not increase the amount of hard surfacing, it is considered to have no implications for surface water run-off. The development is considered to accord with the aims of Local Plan Policy LP28.

Land contamination and instability issues:

The site lies within a Development High Risk Area. Since the proposal involves no newbuild and no significant earthworks, it is considered to be immaterial from the point of view of ground stability. It is recommended that a standard cautionary note be added to the council's decision letter.

The site of the proposed development is not on land that has been identified as being potentially contaminated due to its former use. Notwithstanding the advice of KC Environmental Health, it is considered that the standard precautionary condition regarding unexpected contamination would not be justified as the proposed works do not involve significant excavations.

The proposed development is therefore considered to comply with the aims of Local Plan Policy LP53.

7 – Representations:

Six representations were made. The comments, where not already addressed in the main body of the Assessment, are summarised and responded to here:

Huddersfield Civic Society note a distinct lack of detail knowing this is a building of significant historic interest and sits within the Conservation Area. Would question the statement "No significant impact" given the alterations to doors and skylights. A Heritage assessment may be required. The existing trees are omitted from location/site ground plans.

Response: A formal heritage assessment was not submitted with the application, but changes to the plans were made following the advice of KC Conservation and Design which was also acknowledged in the updated version of the Design & Access Statement. An Arboricultural Impact Assessment was submitted subsequent to the main submission.

- Disturbance during construction

Response: This is always a possibility for any development project, but the possibility of noise disturbance can be prevented, or at least limited, by a condition.

- Increase in on-street parking

Response: For the reasons set out in Section (5) of the assessment, it is considered that the amount of parking provided within the site would be sufficient to fulfil the needs of future residents without causing overspill on to the public highway.

- Local residents are already suffering due to extra traffic and noise caused by the mosque visitors, these apartments would cause further nuisance.

Response: The development, as previously noted, would not give rise to levels of noise over and above those typical in a residential area. Traffic and other sources of noise disturbance would, it is considered, be lower than that which would arise from a resumption of use as a place of worship or an alternative community use.

8 – Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation: Delegated Powers

Application Number: 2023/93715

Officer Recommendation: CONDITIONAL FULL PERMISSION

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 Policies LP1, 2, 21, 24, 30, 33 and 35 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

3. Within 28 days of the date on which permission is granted, 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 the adjacent car park at the Masjid Iman Mosque 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, 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).

Any dwelling that is found to require noise attenuation works shall not be occupied until all works specified in the approved report have been carried out in full. All such works shall be thereafter retained.

Reason: To ensure that future residents do not suffer loss of amenity arising from noise disturbance, and to accord with the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan.

4. Works to replace window PW01 (as referenced in the submitted Window Schedule 2) with a fire escape window shall not commence until full design details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the details thus approved.

Reason: To ensure that the proposed works conserve the character of the historic church and the character of the Greenhead Park / New North Road Conservation Area, and to accord with the aims of Policies LP24(a) and LP35

of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. Full details of all replacement glazing shall be submitted to and approved in writing by the Local Planning Authority before any replacement of glazing commences. Notwithstanding the details on the approved internal layout plan, obscure glazing in window EW10 shall not be replaced with clear glazing unless it can be demonstrated that the installation of clear glazing would not result in a line of sight for existing and future occupants between the new dwelling and the habitable room windows of existing dwellings to the west. All replacement of glazing shall thereafter be carried out in accordance with the details thereby approved and thereafter retained as such.

Reason: To ensure that the proposed works conserve the character of the historic church and the character of the Greenhead Park / New North Road Conservation Area, to ensure that the development does not lead to compromised privacy for future or existing residents arising from overlooking at close quarters, and to accord with the aims of Policies LP24(a-b) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

6. Notwithstanding the details on the approved plans and sections, all windows shall be of conservation type, recessed from or flush with the plane of the roof.

Reason: To ensure that the proposed works conserve the character of the historic church and the character of the Greenhead Park / New North Road Conservation Area, and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

7. Before any new dwelling is brought into use, construction details demonstrating how the first-floor structure will interact with the windows shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be implemented in full before any new dwelling is first brought into use.

Reason: To ensure that the proposed works conserve the character of the historic church and the character of the Greenhead Park / New North Road Conservation Area, and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

8. Before any new external doors are installed, details of the proposed new external doors shall be submitted for approval. The details shall include the design and materials, door surround detailing, and depth within the reveals. Elevations shall be at a scale of 1:20 elevations and sections at a scale of 1:5.

Reason: To ensure that the proposed works conserve the character of the historic church and the character of the Greenhead Park / New North Road Conservation Area, and to accord with the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

9. Before any part of the development is first brought into use, an Ecological Design Strategy (EDS) addressing mitigation for the expected loss of habitat for nesting birds and providing a minimum 10% Biodiversity Net Gain (BNG) shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall be based on the most up-to-date site-specific ecological survey information, and shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance and make and model of habitat boxes;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development; and
- g) Persons responsible for implementing the works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the development achieves the statutory 10% BNG as required by the Environment Act 2021, and to accord with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. The development shall be undertaken in full accordance with the recommendations within Part 4 of the Arboricultural Impact Assessment referred to in the schedule of approved documents.

Reason: To ensure that valuable trees are retained and their long-term viability safeguarded, in order to comply with the aims of Policy LP33 of the Kirklees Local Plan.

11. The areas to be used for the parking of vehicles and for the storage and collection of wastes as indicated on the site plan referred to in the list of approved documents shall be cleared of all obstructions to their use by vehicles before any part of the development is brought into use and shall thereafter be retained as such, free from obstructions to the uses specified on the site plan.

Reason: To ensure that satisfactory provision for parking and for the storage and collection of wastes is retained at all times in the interests of highway safety, and to accord with the aims of Policies LP21, LP22 and LP24 of the Kirklees Local Plan.

12. Before any new dwelling is first occupied, details of the design of enclosures for bin storage to serve the development, including the materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of visual amenity and to ensure that suitable facilities for the storage and separation of wastes are provided and retained, to meet the requirements set out in Policy LP24 part d(vi) of the Kirklees Local Plan.

13. Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of all unallocated parking spaces.

The approved dedicated facilities for charging electric vehicles shall be installed before any new dwelling is first brought into use and retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, so as to support the aims of reduction of carbon emissions and air quality enhancement, to comply with the aims and objectives of Policies LP20 and LP24(d) of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

14. Before any part of the development is first brought into use, notwithstanding the details shown on the site plan, details of safe and secure storage of cycles should be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter for the lifetime of the development.

Reason: In the interests of promoting the use of means of transport with a low environmental impact, to promote active and healthy lifestyles, to ensure that future residents are protected from crime, and to accord with the aims of Policies LP24(d-e) and LP47 of the Kirklees Local Plan.

15. Before the development is brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of measures to protect future residents from crime and the fear of crime. The approved measures shall be implemented before any new dwelling is first brought into use and thereafter retained.

Reason: In the interests of minimising the risk of crime for the development and its users, and to accord with the aims of LP24(e) of the Local Plan.

16. No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan

NOTE – Condition 14. Please note that a cycle storage facility of open canopy design is not normally regarded as acceptable as a means of long-term residential cycle storage.

NOTE – Regarding construction sites working times, 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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			22/12/2023
Existing location and site plan	TR-A23-0802-001	E	09/05/2024
Existing floorplans	TR-A23-0802-002	E	09/05/2024
Existing elevations	TR-A23-0802-003	E	09/05/2024
Proposed site plan	TR-A23-0802-007	H	12/08/2024
Proposed floorplans	TR-A23-0802-005	G	02/08/2024
Proposed elevations	TR-A23-0802-006	G	02/08/2024
Proposed section through building	TR-A23-0802-010	E	09/05/2024
Proposed sections (door details)	TR-A23-0802-012	G	02/08/2024
Design and access statement		H	02/08/2024
Window schedule 1			02/08/2024
Window schedule 2			02/08/2024
Climate change statement			22/12/2023
Arboricultural report and impact assessment	21732/TT		09/05/2024
Preliminary Ecological Appraisal Report	21732	B	08/02/2024
Statutory Biodiversity Metric Calculation Tool	21732	A	08/03/2024
Biodiversity Metric Survey Sheet	21732	A	08/03/2024

Plan Type	Reference	Version	Date Received
Biodiversity Accounting Assessment Issue	21732	A	08/03/2024
Habitats BNG			08/03/2024

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 council entered into negotiation with the applicant to achieve a scheme that would conserve the heritage value of the built environment whilst maintaining residential amenity, achieving a safe parking layout, and ensuring that no harm to protected species would occur.

Report Dated:

23/08/2024