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:	**2024/62/91262/W**
Site Address:	129 , Trinity Street, Huddersfield, HD1 4DU
Description:	Change of use and alterations to existing student accommodation to form 2 self-contained flats and 5 bedroom HMO (within a Conservation Area)
Recommending Officer:	Katie Chew

DECISION – REFUSED

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.

John Holmes

AUTHORISED OFFICER

Date: 15th July 2024

Officer Report

Site Description

129 Trinity Street, Huddersfield, HD1 4DU

The application site relates to a four-storey stone built semi-detached dwelling located at the junction of Trinity Street with Vernon Avenue in Huddersfield. The property benefits from amenity space to the front and sides, with a driveway to the east of the dwelling for off-street parking.

The site is located within Greenhead Park/New North Road Conservation Area, and to the north of the site there are a number of Listed Buildings.

Description of Proposal

The application seeks planning permission for the change of use and alterations to convert existing student accommodation to form 2 self-contained flats and 5-bedroom HMO (within a Conservation Area).

Flat 1 (basement) has an internal floorspace of approximately 52.51sqm, and comprises of 1 double bedroom, open plan kitchen/dining/living area and a bathroom.

Flat 2 (ground floor) has an internal floorspace of approximately 51.30sqm, and comprises of 2 double bedrooms, living room, kitchen and a wet room.

In respect of the accommodation relating to the HMO, this would provide 5 bedrooms (2 of which are to be studio), communal space, reading/quiet room for tenants and 2 bathrooms. The overall internal floorspace equates to approximately 177sqm. This is within the first floor and the roof space.

In terms of external alterations, the proposals seek to include a new escape window on the south-east elevation of the host property.

Officer note: Officers notes that upon undertaking a site visit on the 30th May 2024, it was clear to see that the above window has already been installed within the property.

History of negotiations/amendments received

No amendments have been sought on this occasion.

Relevant Planning History

2021/94305 – Change of use and alterations to convert existing dwellings to form 4 apartments and student accommodation (within a Conservation Area). This application was refused on the 18th July 2022 for the following reason:

'1. The proposed development, by reason of the severely limited amount of useable
internal floorspace for Flats 1, 2, 3 & 4, likely compromised useable floorspace for
student bedrooms 3 & 4 and lack of outlook for flat 1 and student bedrooms 3 and 4
would provide a poor standard of amenity for future occupiers. Therefore, the development would be contrary to the aims of paragraph 130f of the National Planning Policy Framework, Principle 16 of the Housebuilders Design Guide SPD
and Policy LP24(b) of the Kirklees Local Plan'.

2012/90516 – Change of use to convert dwelling to house of multiple occupancy (student accommodation) (Within a Conservation Area). Approved 27th April 2012.

Planning Enforcement Cases

COMP/22/0282 – Alleged unauthorised change of use.

COMP/12/0042 - Alleged unauthorised change of use. Application approved.

Representations

Final publicity date expires:

Neighbour Letters – Expired 28th June 2024.

1 representation has been received in objection to the proposals, comments are summarised below.

- Application 2021/94305 was refused for reasons which have not been overcome with this proposal and with the development being progressed, the issues suggested in the refusal were realised – mainly in relation to unauthorised parking on adjacent permit parking streets.

Officer note: Noted, whether the previous reason for refusal has been overcome is discussed in further detail in the assessment section of this report.

- Concerns in respect of parking and access.

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

- The proposed description is incorrect, the existing use is not student accommodation and has been converted to 5 apartments.

Officer note: Noted. The dwelling is operating under a Class C3 Use and therefore Officers consider the proposed description of development to be sufficient to allow a decision to be made on the application.

- Concerns that if planning permission is refused a breach of planning would still occur.

Officer note: Noted. Should planning permission be refused and a breach of planning permission occur, it is advised that the Council's Planning Enforcement team are notified of this breach and then they can undertake the relevant investigations.

- The refused proposal plans should be submitted as the existing plans.

Officer note: Noted, it is considered sufficient information has been submitted to allow the LPA to determine this application.

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that the site is located within a Conservation Area and in close proximity to Listed Buildings to the north, advertisement by site or press notice was not deemed necessary in this instance as the proposals seek to do a simple change of use, whereby no external alterations are proposed to the building.

Consultation Responses

KC Environmental Health – Comments received 3rd June 2024. No objections.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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

The application site is located within Greenhead Park/New North Road Conservation Area, Coal Referral Area and a Bat Alert Area. It is also

important to note that there are several Listed Buildings to the north of the application site.

Officer note: Whilst it is acknowledged that the application site is located within a Coal Referral Area, given the nature of the proposals is for a change of use, with no groundworks proposed, the scheme is considered to be exempt from the requirement for a Coal Mining Risk Assessment to accompany the application.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable transport
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity & Geodiversity
- **LP35** – Historic Environment
- **LP52** – Protection and Improvement of Environmental Quality

<u>Supplementary Planning Guidance/Documents:</u>

- Housebuilders Design Guide Supplementary Planning Document (2021)
- Kirklees Highways Design Guide (2019)
- Nationally Described Space Standards

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2 –** Achieving sustainable development
- **Chapter 5 –** Delivering a sufficient supply of homes
- **Chapter 9 –** Promoting sustainable transport
- **Chapter 11 –** Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

1) Principle of development
1) Impact on visual amenity and heritage assets
2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
3) Impact on highway safety
4) Other matters
5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

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

1.1 – Housing Mix

In this instance, LP11 of the Kirklees Local Plan is also relevant, as the scheme aims to convert existing student accommodation to form 2 self-contained flats and 5-bedroom HMO. The policy states that: *"all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need."*

Chapter 11 of the NPPF states that planning decisions should promote the development of under-utilised land and buildings, but this must not be at the expense of creating developments that function well and add to the quality of the area as set out in Chapter 12.

With regard to the creation of 2 self-contained flats and 5-bedrooms in relation to the HMO, this would see the increase of 1 additional bedroom when compared to the existing arrangements at the property. The proposals are therefore considered to be in accordance with LP7 of the Kirklees Local Plan. In this instance, the intensification of 1 additional apartment could be adequately supported by public transport links and proximity to the Trinity Street Local Centre (approx. 213m away) and Huddersfield Town Centre

(415m away). It can therefore be considered a sustainable location for new residential development.

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the following assessment.

2 – Impact on Visual Amenity and Heritage Assets

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

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

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change'.

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

LP24 states that all proposals should promote good design by ensuring the following:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…".

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore relevant and requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of land within a Conservation Area. This is reiterated in Policy LP35 of the

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

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Furthermore, LP35 states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm".* Whether harm exists, and whether it is substantial or less than substantial, is assessed in the report.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by:*

• Taking cues from the character of the built and natural environment within the locality. • Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
• Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

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

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

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

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

As no changes are proposed to the overall, scale, design or materials of the host building the above principles are not relevant on this occasion.

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

The site is located within Greenhead Park/New North Road Conservation Area in a highly prominent location on the corner of Trinity Street and Vernon Avenue, on a direct road into Huddersfield Town Centre.

In this instance, it has been noted that the majority of the works consist of internal alterations with just the installation of 1 additional window on the south-eastern elevation. The proposed window (which has already been installed) has been considered acceptable in terms of its location, size and design as it would be centrally placed and would be small in scale and size and reflective of windows already installed within the dwelling.

The proposed development is therefore considered to comply with the requirements of Policies LP1, LP2 and LP24(a) of the Kirklees Local Plan, as it would not adversely affect the character and significance of the Conservation Area. Instead, the development will help to generate long-term income for the building, which in turn would also help assist the building's long-term conservation. This would accord with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and Principles contained within the Housebuilders Design Guide SPD.

3- Impact on Residential Amenity

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

"*Maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighbouring occupiers'.*

Further to this, paragraph 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 occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:
• 21 metres between facing windows of habitable room;
• 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;

• 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.

With regards to residential amenity, the proposal seeks to convert the existing building into 2 self-contained flats and a 5-bedroomed HMO. As such, it can be said that the development is unlikely to significantly intensify the use given the size of the units to be provided. In addition, the Council's Environmental Health Team were consulted on the proposals and raised no objections in respect of noise disturbance.

The external alterations include the installation of 1 window within the eastern elevation of the property. This window has already been installed and would provide an outlook across to adjacent neighbouring property no. 127 Trinity Street. This neighbouring property has a blank gable end and therefore there are no concerns in regards to overlooking or loss of privacy.

Amenity of future occupiers

Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

In this instance no changes are proposed to the existing private outdoor space to the front and sides of the dwellinghouse.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. This makes reference to the 'Nationally Described Space Standards' document (March 2015). The Council recognises the NDSS as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers; whilst recognising these standards do not form part of a Policy within the adopted Development Plan.

Whilst the Nationally Described Space Standards contains no specific standard for HMOs, nor for houses in excess of 6 bedrooms, it does provide some useful guidance in respect of minimum floorspaces for residential dwellings. Kirklees Council also sets out amenity standards for Houses of multiple occupation.

Whilst it should be noted that this is not an adopted planning document and therefore carries limited weight in the determination of this application, it does provide a useful guide as to the standard of amenity that is considered acceptable for a HMO.

The definition of a 'house in multiple occupation' is a property shared by at least 3 people who are not from 1 'household' but share facilities like the bathroom and kitchen.

Section 2.0 of the Councils ‘Amenity Standards for Houses in Multiple Occupation’ document states that where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household, at least 1 bathroom/shower room and 1 WC with WHB (the bathroom and WC may be combined) for 1-4 persons. In this instance the proposals seek to provide 2 bathrooms and 1 W.C for 3 persons and therefore is deemed to be acceptable.

In addition to the above, Section 8.1 of this document refers to two or more units of accommodation with cooking, living and sleeping facilities.

HMO Bedroom 1 has a floorspace of approximately 13.2sqm, and measures approximately 2.85m in width, has an acceptable head height given its first-floor location, and has access to 3 windows on the north-eastern elevation (front) of the dwellinghouse. This bedroom is deemed to be acceptable.

HMO Bedroom 2 has a floorspace of approximately 20.5sqm, and measures approximately 4.29m in width, has an acceptable head height given its first-floor location, and has access to 3 windows on the north-eastern elevation (front) of the dwellinghouse. This bedroom is deemed to be acceptable.

HMO Bedroom 3 is located in the attic of the existing property, whilst this bedroom would have a width greater than 2.74m, as no section drawings have been provided officers are unable to assess the extent of head heights on this floor, which are presumed to impact on the overall useable floorspace of this bedroom given the roof slope. In addition to this, this bedroom has no access to any windows other than installed roof lights, therefore there would be restricted natural light and outlook for any future occupiers. For these reasons, this bedroom is not considered to be acceptable in this instance.

Forming part of the proposals are 2 studio flats, these flats include a bedroom space, shower room and kitchenette.

Studio 1 is located on the ground floor of the building and has a floorspace of just 28.86sqm. The studio/bedroom area does however have a width greater than the 2.75m as recommended within the NDSS. The studio flat would have access to 3 windows on the north-eastern (front) elevation of the building and given its ground floor location, it is deemed reasonable to assume that the minimum head heights can be provided. Although, it is noted that the internal floorspace provided for this flat would not meet the minimum requirements for just a single occupant (37sqm) and therefore would not be deemed to be acceptable in this instance.

Studio 2 is located on the first floor of the building and has a floorspace of just 29.19sqm. The studio/bedroom area does however have a width greater than the 2.75m as recommended within the NDSS. The flat would have access to 3 windows on the north-eastern elevation of the building. Given its first-floor location it is considered reasonable to assume the minimum head heights would be provided. Although, it is noted that the internal floorspace provided

for this flat would not meet the minimum requirements for just a single occupant (37sqm) and therefore would not be deemed to be acceptable in this instance.

Officers do note that the applicant proposes to include 2 studio flats within the property. Both of these studio flats would require access to be taken through the proposed HMO which is not considered to provide a good or safe standard of amenity for future occupiers.

Flat 1 located within the basement would have an internal floorspace of approximately 52.51sqm, the bedroom has a width greater than 2.75m as recommended within the NDSS. As this flat is to provide 1 bedroom for 2 persons the internal floorspace is considered to meet with the requirements of the NDSS. Whilst no section drawings have been provided, given the flat's location at basement level it is reasonable to assume the minimum head heights could be provided here. In terms of habitable room windows, all habitable rooms to have access to at least one window. However, given its basement level it is considered that future occupiers of this flat would have a limited amount of natural light and outlook from these windows.

Flat 2 located on the ground floor has an internal floorspace of approximately 51.30sqm, and each bedroom has a width greater than 2.75m as recommended within the NDSS. It is noted however that this flat would be acceptable if it were to accommodate just 1 bedroom for 2 people however, 2 double bedrooms are shown and therefore the floor space proposed would not be sufficient in this instance. It is also noted that all habitable rooms have access to at least 1 window. Although given the location of the window proposed in the middle bedroom, which would look out towards the gable end of no. 127 Trinity Street, it is considered that outlook would be restricted from this room. Finally, given that this flat is to be at ground floor level it is reasonable to assume that minimum head heights would be provided.
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Taking the above assessment into consideration, Officers have noted that the internal floor space of Flat 2, HMO bedroom 3, Studio 1 and Studio 2 would fall significantly below the recommended Nationally Described Space Standards/Kirklees Council HMO standards. These standards seek to ensure that new homes can meet basic lifestyle needs and provide high standards of amenity for future occupiers. The development would also only provide outlook and natural light from rooflights in bedroom 3, there are also concerns in respect to Flat 1 which is located at basement level, and the middle bedroom of Flat 2 which would have a poor outlook. It is therefore concluded that the proposed development would be contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 of the NPPF

states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Whilst the Council's Highways officers were not consulted on this occasion, they did provide formal comments on a similar scheme application ref: 2021/93405, whereby their comments are considered to still be relevant to this current application. Officers previously raised no objections to the proposals although they did note that the property will not be eligible for permit parking as it is an increase in units within the same building footprint.

The application site is located within close proximity to Huddersfield Town Centre and there are a number of public transport links within the area. The intensive use of the property to 2 self-contained flats and a 5 bedroomed HMO would require significant Waste Storage facilities in accordance with the Council's Waste Management Design Guide for New Developments.

No details have been submitted within this application. However, there is space to the side of the property where bins could be stored, and space at the back edge of the footway where they could be presented, without detriment to amenity or highway safety. If this application was deemed acceptable, appropriate measures for the storage and collection of wastes could be secured by planning condition in accordance with LP24 of the Local Plan and Principle 19 of the Housebuilders Design Guide SPD.

Taking the above into consideration, and subject to the recommended condition, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD

5 - Other Matters:

<u>Biodiversity</u>

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD states that proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.

Whilst it is acknowledged that the application site is located within a Bat Alert Area, given the nature of the proposals, taking the existing use of the building into consideration and the brightly lit urban environment in which it is situated, it is considered unlikely that roosting bats would be disturbed during construction works. However, an informative is to be provided should the application be recommended for approval. For similar reasons, it is considered unreasonable to request a net gain in biodiversity in association with this development.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

<u>Climate Change</u>

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 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.

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

The application is supported by a Climate Change Statement, this statement outlines that energy saving lightbulbs are to be installed within the property, alongside the recycling of waste, passive lighting, smart energy metering and the use of energy efficient white goods. All materials are to be sourced locally and work undertaken by a local workforce. Rooflights are also to be installed to increase daylight, as well as the refurbishment of existing features within the property.

Furthermore, given the nature of the proposals for a change of use to an existing building, no special measures were required in terms of the planning application with regards to carbon emissions. It would provide for the re-use of an existing building, and it is noted that there have been some recent changes to fenestration. The proposed development would therefore comply with Principle 18 of the Housebuilders Design Guide and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations and whilst Officers note that some minor changes have been made since the previously refused application 2021/94305 the principle of the proposed change of use/conversion is very similar with several of the Officers previous concerns not being overcome within this current application. It is therefore considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2024/91262

Officer Recommendation: Refuse.

Reason(s) for Refusal:

1. The proposed development, by reason of the severely limited amount of useable internal floorspace for Flat 2, Studio 1 and Studio 2, compromised useable floorspace for HMO bedroom 3 and lack of outlook for Flats 1 and 2 and HMO bedroom 3 would provide a poor standard of amenity for future occupiers. Therefore, the development would be contrary to the aims of paragraph 135f of the National Planning Policy Framework, Principle 16 of the Housebuilders Design Guide SPD and Policy LP24(b) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received

Floor Plans as Existing	21.1144/(EX) 01	A	16th May 2024
Floor Plans as Proposed	21.1144/(AL)01	D	3rd May 2024
Supporting Planning Statement – Supporting Information	TP0823	-	3rd May 2024
Climate Change Statement – Supporting Information	-	-	3rd May 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought on this occasion as the proposals would require significant amendments to overcome Officers concerns, of which many of the concerns are similar to those outlined within the previously refused application (ref: 2021/94305.)

Report Dated:

11th July 2024.