

**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>2024/62/92207/W</b>
Site Address:	53, Wakefield Road, Moldgreen, Huddersfield, HD5 9AB
Description:	Erection of rear three storey house of multiple occupation
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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 18-OCT-2024

## **Officer Report**

### **Site Description**

53, Wakefield Road, Moldgreen, Huddersfield, HD5 9AB

The application site comprises of a two-storey stone building with a basement and associated land. The original building is described as a Public House on the block plan however from undertaking a site visit it appears that the building at the present time is split into two units, once a hot food takeaway and the other a barber shop, both fronting Wakefield Road. It has a large L-shaped extension at the rear which provides additional space for the takeaway and a further two-storey element extending northwards from this is in use as flats. The remainder of the area within the building's curtilage, to the east and north of the flats, is taken up by tarmac hardstanding which is used for parking, the storage of refuse containers and miscellaneous storage. The site boundaries are formed by high stone walls. There is a vehicular access point to Silver Street West, which runs parallel to Wakefield Road, connecting Carr Pit Road and Silver Street.

The site is not located within a Conservation Area or adjacent to any Listed Buildings.

### **Description of Proposal**

The application seeks planning permission for the erection of a three storey house of multiple occupation (HMO).

The proposed dwelling is to be three-storeys in height constructed from stone to match the adjacent property. The dwelling will have a flat roof and will be accessed from Silver Street West to the north.

The property is to comprise of 2 double en-suite bedrooms at ground floor level, 1 double bedroom with en-suite and open plan kitchen/dining room at first floor level, and 3 en-suite bedrooms at second floor level.

**Officer note:** Officers also note that drawing no. 2318-02 Rev A, shows the following:

- a CGI image of a 'view showing new cellar windows',
- a front elevation showing the installation of 1 new cellar window and light well, and
- an increase in the size of an existing cellar window and excavation works.

However, no details have been provided in respect of the proposed cellar within the submitted application forms, or Design & Access Statement therefore it is considered that this is an error and would need to be removed from the submitted plans. Officers have not sought this amendment given the conclusions drawn within the visual and residential amenity sections of this report.

## **History of negotiations/amendments received**

No amendments have been sought due to the site history and the significant issues with the proposal. Any amendments required would be so significant to be outside the remit of this application,

## **Relevant Planning History**

2023/92216 – Erection of three storey house of multiple occupation. Refused 29<sup>th</sup> January 2024. This application was refused for the following reasons:

1. *‘The proposed development, by reason of its scale, height and siting, would dominate its surroundings and fail to respect the character of the townscape and visual amenity, contrary to the aims of Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 15 of the Housebuilders’ Design Guide Supplementary Planning Document (SPD), and the Council’s duty to facilitate the creation of well-designed and beautiful places as set out in paragraphs 131 and 135 of the National Planning Policy Framework.*

1. *The proposed development, owing to the limited internal floorspace (123sqm) and the floorspace allocated to Bedroom 5 (6.5sqm) which both fall significantly short of the recommended standards for a three-storey, six-bedroom dwelling as set out in the Nationally Described Space Standards, and the poor outlook and limited natural light for Bedrooms 1 & 2, would give rise to an unacceptably low standard of amenity for future occupants, and would be contrary to the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan, Principles 6 and 16 of the Housebuilders’ Design Guide SPD and paragraph 135(f) of the National Planning Policy Framework.*

2. *In the absence of a Noise Assessment, it has not been demonstrated that the development would avoid future residents being subjected to unacceptable levels of noise disturbance arising from nearby industrial and commercial uses and from road traffic, to the detriment of their amenity, or that the future operational flexibility of existing businesses or the possible establishment of new employment-generating uses on neighbouring land which falls within a Priority Employment Area on the Local Plan Proposals Map would be unaffected. The development would be contrary to the aims of Policies LP24(b) and LP52 of the Kirklees Local Plan, Chapter 12 (paragraph 135f) and Chapter 15 of the National Planning Policy Framework, and the economic aim of sustainable development as set out in paragraph 8(a) of the National Planning Policy Framework.*

3. *In the absence of an Air Quality Assessment, it has not been demonstrated that the development would avoid future residents being subjected to unacceptably poor air quality, to the detriment of their health and amenity, contrary to the aims of Policies LP24(b) and LP52 of the Kirklees*

*Local Plan and Chapter 12 (paragraph 135f) and Chapter 15 of the National Planning Policy Framework'.*

2012/93811 – Variation of condition 2 on previous permission 2012/90723 for change of use of ground floor from Class A4 (public house) to Class A5 (hot food takeaways) and installation of replacement shop front. Erection of two storey extension and alterations to form 2 four bedroom houses of multiple occupation and alterations to form 2 studio flats. Approved 4<sup>th</sup> February 2013.

2012/93457 – Non-material amendment on previous planning permission no. 2012/90723 for Change of use of ground floor from Class A4 (public house) to Class A5 (hot food takeaways) and installation of replacement shop front. Erection of two storey extension and alterations to form 2 four bedroom houses of multiple occupation and alterations to form 2 studio flats. Refused 27<sup>th</sup> November 2012.

2012/90723 – Change of use of ground floor from Class A4 (public house) to Class A5 (hot food takeaways) and installation of replacement shop front. Erection of two storey extension and alterations to form 2 four bedroom houses of multiple occupation and alterations to form 2 studio flats. Approved 30<sup>th</sup> May 2012.

2006/90454 – Erection of external decked beer terrace and external alterations. Approved 29<sup>th</sup> March 2006.

### **Consultation Responses**

**KC Highways Development Management (Informal)** – Comments received 16<sup>th</sup> October 2024. No objections, comments similar to previously refused application 2023/92216.

**KC Environmental Health** – Comments received 1<sup>st</sup> October 2024. No objections subject to the imposition of conditions and informatives relating to construction site working times, unexpected land contamination, dust mitigation and the implementation of agreed noise mitigation measures.

### **Parish/Town Council**

N/A.

### **Local Ward Members**

None.

### **Representations**

Final publicity date expires:

Neighbour Letters - Expired 15<sup>th</sup> October 2024.

No representations have been received to date.

**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.

### **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 27<sup>th</sup> February 2019).

The application site is located within the Strategic Green Infrastructure Network, Bat Alert Area and is within Aspley Local Centre.

### **Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protecting and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> December 2023, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development

- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications
- National Design Guide
- Nationally Described Space Standards
- Kirklees Housebuilders Design Guide SPD (2021)

### **Summary of Principal Planning Issues**

The following matters are considered in the assessment below -

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

#### **1 - Principle of Development:**

##### 1.1 – Sustainable Development

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

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

## 1.2 – Housing Delivery/Density

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The Council’s inability to demonstrate a five-year supply of housing land, 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 officer’s assessment.

In respect of density, the developable area of the application site measures approximately 227sqm. It is considered reasonable that just one building of this size would be suitable in this location, with a greater density of development potentially creating a detrimental impact in terms of a more intensive use of land, overdevelopment and highway safety issues.

In this case, the principle of development could potentially be considered to be acceptable, but this is subject to an assessment of the proposal against all other relevant material planning considerations, including design, visual and residential amenity, as well as highway safety (amongst other matters).

These issues along with other policy considerations will be addressed below.

### **2 - Impact on Visual Amenity:**

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.

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

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

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

Policy LP11 of the KLP sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design to contribute to creating mixed and balanced communities.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the 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.

Regarding the layout and siting of the proposed dwellings, 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 be designed to front onto the street.

In terms of siting and layout, the proposed building is to be located to the north of the existing flats at no. 53 Wakefield Road, along the western perimeter of the site. The building to front is the hardstanding/parking area associated with no. 53 and is to be in line with the principal and rear elevations of the adjacent building. Whilst the building will not front onto the street or be set back, this is deemed to be acceptable on this occasion given the restricted nature of the site. This layout is also considered to be reflective of other buildings and extensions found to the rear of Wakefield Road.

Principle 15 of the Housebuilders Design Guide SPD 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.

Officers consider the surrounding area to lack a strong coherence in building style. Buildings forming the frontage to 47-89 Wakefield Road are of domestic scale and proportions, being two storeys in height, although they do not appear to have been built as a single development as there is some variation in eaves height and design details. The land at the rear, between Wakefield Road and Silver Street West, is of a less consistent appearance. Some of it is open and used for the parking of vehicles, but several warehouses, workshops and industrial buildings have been erected, making use of a mix of brick, stone and blockwork. These buildings are single storey in height.

The northern side of Silver Street West is sporadically built up, with substantial gaps between buildings, which include the electrical supplies shop opposite (two-storey and of domestic proportions) and the more modern buildings (which appear to be single-storey but with high ceilings) forming a modern trading estate on the corner of Carr Pitt Road. On the opposite side of Wakefield Road is a multi-storey student residence (between three and five storeys in height) but this is separated from the application site by seven lanes of traffic and is therefore considered less important in forming its setting

Following the previous refusal (application 2023/92216), the applicant has sought to remove the pitched roof design and replace it with a flat roof. This design would reflect the roof found within part of no. 53 Wakefield Road and therefore is deemed to be acceptable. However, in terms of the height of the building, which is to be three-storeys, this is not considered to be acceptable and would appear overly dominant and out of character in this location, as previously outlined within refused application 2023/92216. Officers would wish to see a two-storey building which either matches the height of the adjacent flats or is stepped slightly below this structure. The proposals as submitted are therefore not considered to accord with Principle 15 of the above SPD.

Principle 14 of the Housebuilders Design Guide SPD states that the design of windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Moving on to windows and doors, these are considered to be of a simple and traditional appearance, equally spaced out throughout the building. However, Officers do note that due to the three-storey height of the dwelling, windows do not align with the windows in the adjacent block of flats. Should the applicant amend the proposals in line with Officers comments above (in regard to the height of the building), it would be expected that the windows be reorientated to run in line with the adjacent property, in the interests of visual amenity.

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

The proposed dwelling is to be finished in stone to match the existing building with no details provided in respect of the materials of the roof. Whilst matching stone is welcomed, it is considered reasonable to include a condition, should planning permission be granted, which requires approval of samples of the proposed external materials prior to commencement of works. Subject to the above recommended condition, the proposals are considered to accord with Principle 13 of the above SPD.

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

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m separation distance from the side wall of the new dwelling to a shared boundary. In this instance whilst a 2m separation distance can be provided to the north and east of the proposed building, this cannot be provided to the west. However, as the building line is to follow the existing block of flats which directly abuts the western boundary of the site, and that the site is adjacent to commercial and industrial units, rather than residential properties, Officers consider the proposals to be acceptable in this instance, given the nature of the site.

All bedroom and other primary habitable room windows would face east. The distance from the windows to the boundary with adjacent land would be approximately 6m. They would not directly face the windows of any other residential properties at close quarters – the closest possible overlooking distance between windows, even if the part of the space above no. 55 was in residential use, is 15m, and this would be at a steep angle. The distance to

the boundary however falls significantly short of the 10.5m that is recommended. Development on this site, with east-facing windows, would also undermine the development potential of the adjacent plot, since any new development over a single storey would have to be set away from the boundary so as to allow the 12m stand-off distance between a habitable room window and blank wall to be maintained. However, since the adjacent plot is without designation and is unlikely to have any development potential as any new build would displace existing parking, it is considered that this factor would be unreasonable to substantiate as a reason for refusal.

In conclusion, for the aforementioned reasons, the proposals are not considered to comply with Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 15 of the Housebuilders' Design Guide Supplementary Planning Document (SPD), and paragraphs 131 and 135 of the National Planning Policy Framework.

### **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 House Builders 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.

Given the nature of the application site, adjacent neighbours typically relate to commercial or industrial units, with the nearest residential properties relating to the flats located at 53 Wakefield Road. As the proposed building is to directly abut the northern elevation of the flats, in which there are no windows within this elevation, and that the proposed building will not extend out forward of the existing principal elevation, Officers have no concerns in respect of the proposals appearing overbearing or overly dominant on these adjacent neighbouring properties. In addition, there will be no direct views into any habitable rooms and therefore there are no concerns in respect of overlooking. Finally, whilst the proposed building will result in some additional overshadowing, this would fall across the hardstanding/parking area to the front and side of the properties and would not impact on any habitable room windows or useable garden/amenity space.

#### *Amenity of future occupiers of the proposed dwellings*

Consideration must also be given to the amenity of future residents of the proposed dwellings. Principle 16 of the Housebuilders Design Guide seeks to

ensure the floorspace of dwellings accord with 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.

It is not entirely clear whether the standards are intended to apply to HMO's as well as dwelling houses as there is no explicit reference to HMOs in the supporting text of said document. In this instance however, the proposed HMO has six bedrooms and therefore in reality could fall within use class C3 (dwellinghouses) of the Use Classes Order, provided that each bedroom has a single occupant. It is therefore considered that substantial weight should be placed on the NDSS in this case.

The Nationally Described Space Standards (NDSS) recommend that overall floorspace should normally be at least 129sqm for a three-storey dwelling with 6 bedrooms. Gross internal floorspace in this instance would be approximately 125sqm. Officers do acknowledge that bedrooms 4, 5 and 6 would only be suitable for 1 person given their size. Rooms of this size would not meet the minimum requirements of the NDSS for 2-person occupancy, however this is by a marginal shortfall.

Officers acknowledged that all habitable rooms would have access to at least 1 window, and that the first and second-floor windows would have an open outlook. Outlook and receipt of light for the two ground floor bedrooms numbers 1 and 2 would however be very poor as they would face a high stone boundary wall.

Whilst these elements of amenity viewed in isolation *could* be argued on balance to be acceptable, in particular the limited shortfall in floorspace, it is considered that when viewed cumulatively, there will be a substandard level of amenity to future occupiers. It is therefore concluded that the insufficient size of the HMO as a whole, and lack of outlook and light for bedrooms 1 and 2 on the ground floor would contribute towards an unacceptably low standard of amenity for future occupiers, and that there are no exceptional circumstances that would justify the departure from published standards in this instance.

In terms of amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, at all times of the year. No outside amenity space/garden is shown within the submitted plans. Whilst the possibility of creating a small sitting area may exist, this is an element that would be discussed should Officers have been generally supportive of the scheme, and should any subsequent applications be submitted at this site, would be considered by the applicant prior to submission.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from the noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

In respect of noise pollution, the Council's Environment Health Officers were consulted and noted that construction noise can give rise to the loss of amenity to neighbouring noise sensitive receptors. Therefore, an informative is recommended, should planning permission be granted, which limits the hours of operation for the construction site. In addition to the above, the applicant has submitted a Noise Assessment by DRUK Limited, Ref DRUK/ACC/RS/MRW RMGH/3286, dated 06 June 2024. This outlines that a background noise survey was conducted from 2 measurement positions (as shown in figure 2) between 2200hrs - 0200hrs on Tuesday 4<sup>th</sup> into Wednesday the 5<sup>th</sup> of June 2024 and between 1530hrs - 2200hrs on Wednesday 5<sup>th</sup> June 2024 as they encompassed the afternoon peak periods, with respect to the road traffic, extending into the night time period. A summary of the findings is provided at Table 8 in said report. The dominant source was road traffic although comment is made in para 5.4 of contributions from the commercial and licensed enterprises in the vicinity of the development site.

Based upon reasonable construction assumptions, glazing is specified in Table 12 along with acoustic ventilators. Table 14 shows the internal requirements of BS8233 would be met with this configuration. Comment is made that opening the windows for ventilation purposes would result in the internal noise levels exceeding the design guide levels in BS 8233 and so alternative ventilation is recommended to bedroom areas. Whilst this is outside of the remit of Environmental Health, they advised that it is imperative that any installed mechanical ventilation system does not affect the required internal noise climate. Environmental Health Officers conclude that the findings of the submitted report are accepted subject to the imposition of a condition to implement and retain the mitigation measures in the interests of protecting the amenity of the occupiers. In the event that planning permission be approved, a relevant condition is recommended.

In conclusion, taking the above into account it is considered that to approve such an application 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:**

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, 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.

The proposed development site is located within the local centre of Aspley just outside of Huddersfield Town centre. The A629 Wakefield Road and the surrounding roads are controlled by Traffic Regulation Orders to prevent indiscriminate parking with limited waiting on the site frontage on Wakefield Road to allow customers of the adjacent businesses to park on street short term. Within walking distance there is Pay and Display on street parking on Carr Pitt Road.

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

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

The application seeks approval for an additional 6 bedroomed HMO. The submitted application form notes that car parking is provided to the rear for 6 cars and that this is to remain as existing. Given the nature of the proposals the Council's Highways Officers were consulted. They note that the site is located in a very sustainable location and the requirement for a high level of off-street parking is not necessary. It is considered that car ownership and subsequently demand for parking from the proposed residential use of the development would be low, therefore the existing off-street parking spaces are considered sufficient.

In recent times, the Council have introduced a Permit Parking Policy, which clarifies eligibility for permits. Under the terms of the policy for multiple occupancy, premises would not be eligible for parking permits. Taking into consideration the permit parking policy, Highway Officers are satisfied that it is possible to control parking within the vicinity of the site. With this in mind, Officers consider it would be unreasonable to refuse the application on this basis and therefore subject to appropriate conditions they would not wish to resist the granting of planning permission.

In respect of bin storage and waste collection, no details have been provided within the submission however, it is considered reasonable that these details could be secured via condition, should planning permission be granted.

Taking the above into consideration Highways Officers conclude that subject to the recommended conditions Officers consider the application to be

acceptable and to accord with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

## **5 - Other Matters:**

### Contaminated Land

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The Council's Environmental Health (ENVH) Officers note that the site of the proposed development is not shown to be on potentially contaminated land and whilst they have no objections to permission being granted, groundworks will be required, and a watching brief should be maintained. ENVH Officers therefore recommend a condition in relation to unexpected contamination. The implementation of this condition is considered to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF and in the event that planning permission be approved, is recommended to be attached.

### Drainage

Local Plan Policies LP24 and LP28 are relevant to drainage, as is Chapter 14 of the NPPF.

The site is not in an area known to be vulnerable to flooding and as the land is hard surfaced as existing, it is unlikely to lead to increased run-off. Furthermore, disposal of surface and foul water would be by the main sewer, and this is deemed to be acceptable.

Given the above, it is considered that the proposals are in accordance with Policies LP24 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

### Biodiversity

Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

Whilst it is acknowledged that the application site is located within a Bat Alert Area, the site in its present condition has very limited ecological value and there is no evident potential to support a bat roost. Nevertheless, appropriate

enhancement measures would be sought in the event of an approval, and an informative would be attached highlighting to the applicant what to do should roosting bats be found at the site during construction works.

Within the submitted application forms the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) conditions as the application site presently relates to a concrete yard. As the site wholly consists of hardstanding and will not result in the loss of any habitat on site, the proposals are considered to be exempt on this occasion and therefore the proposals do not need to provide details in respect of a biodiversity metric.

### Air Quality

The site of the proposed development is not located within an Air Quality Management Area (AQMA). It is however located approximately 30 m to the west of the boundary of AQMA No. 9. In support of the application an Air Quality Assessment by Miller Goodall, Report No. 103157, dated the 15<sup>th</sup> of May 2024 has been submitted.

The assessment details the impact that the development will have on existing air quality, and how this will impact existing and future sensitive receptors during the construction and operational phases. It uses techniques detailed in national and local guidance, such as Local Air Quality Management Technical Guidance, the Institute of Air Quality Management (IAQM) Technical Guidance and The West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance.

### ***Construction Phase:***

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the current Institute of Air Quality Management (IAQM) Guidance. This involved a risk assessment to identify nearby sensitive receptors and potential sources of dust during the construction phase. No demolition is to be undertaken at site. The report concludes that dust can be controlled by the implementation of good practice dust control mitigation. These are outlined in Appendix D of the report.

### ***Operational Phase:***

A screening assessment has been undertaken following agreement that the proposal meets a minor classification under WYLES. The report uses data from appropriately positioned monitoring locations, Defra background concentrations for the vicinity have been listed. The report uses this data to demonstrate that the proposed building which is set back from roadside behind an existing façade is considered suitable for residential use as concentrations of NO<sub>2</sub> and PM<sub>10</sub> are likely to be below respective long- and short-term objectives. As no parking is proposed and easy access to the public transport network is available it is concluded that changes arising from development traffic to cause adverse effects would be insignificant.

The Council's Environmental Health Officers have assessed the report and accept the Air Quality Assessment by Miller Goodall, Report No. 103157, dated the 15th of May 2024 and recommend a condition to implement the dust mitigation and management mitigation, as outlined in Appendix D during the construction phase.

### Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that:

*'renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:*

- a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;*
- b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;*
- c. the statutory protection of any area would not be compromised by the development;*
- d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;*
- e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits'.*

The application is supported by a Climate Change Statement, this statement outlines that the building will be constructed in line with part L Building Regulations and with very low air leakage, it will have high performance doors

and windows, with perimeter walls and ceilings to be lined with insulated plasterboard such as Kingspan TW56. All materials of construction are also to be sourced locally, and the building works carried out by local craftsmen.

Given the above, it is considered reasonable to not request the submission of any further information in respect of the Council's climate change emergency. The proposed development would therefore comply with Policies LP26 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD 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. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal.

## **Recommendation:**

Refuse.

Decision Authorisation – Delegated Powers

Application Number: 2024/92207

Officer Recommendation: Refuse.

## **Reasons for refusal:**

1. The proposed development, by reason of its scale, height and siting, would dominate its surroundings and fail to respect the character of the townscape and visual amenity, contrary to the aims of Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 15 of the Housebuilders' Design Guide Supplementary Planning Document (SPD), and the Council's duty to facilitate the creation of well-designed and beautiful places as set out in paragraphs 131 and 135 of the National Planning Policy Framework.
1. The proposed development, owing to the limited internal floorspace (126sqm) which falls short of the recommended standards for a three-storey, six bedroomed dwelling as set out in the Nationally Described Space Standards, and the poor outlook and limited natural light for bedrooms 1 & 2, would, when taken cumulatively, give rise to an

unacceptably low standard of amenity for future occupants, and would be contrary to the aims of Policy LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Housebuilders Design Guide SPD and paragraph 135(f) of the National Planning Policy Framework.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Plans, Elevations and Views as Existing	2318-01	-	21 <sup>st</sup> August 2024
Ground Floor, Front and Side Elevation	2318-02	A	21 <sup>st</sup> August 2024
First and Second Floor, Rear Elevation and View	2318-03	A	21 <sup>st</sup> August 2024
Air Quality Assessment – Supporting Information	103157	-	21 <sup>st</sup> August 2024
Design and Access Statement – Supporting Information	-	-	21 <sup>st</sup> August 2024
Climate Change Statement – Supporting Information	-	-	21 <sup>st</sup> August 2024
Assessment of the Existing Noise Climate in the Vicinity of 53 Wakefield Road, Huddersfield – Supporting Information	DRUK/ACC/RS/MRWRMGH/3286	-	21 <sup>st</sup> August 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 have been sought on this occasion as the proposals are deemed to be unacceptable for reasons similar to those discussed in a recent refusal at the site for a similar scheme, app ref: 2023/92216. Furthermore, any amendments required to render the application acceptable would be outside the scope of this application.

Report Dated:

16<sup>th</sup> October 2024.