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:	**2024/62/92684/W**
Site Address:	13-15, Southgate, Huddersfield, HD1 1QX
Description:	Change of use and alterations to retail units to to create additional rooms for existing neighbouring House of Multiple Occupation (within a Conservation Area)
Recommending Officer:	Lucy Taylor

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 14th November 2024

Officer Report.

Reference: 2024/92684

Location: 13-15, Southgate, Huddersfield, HD1 1QX

Proposal: Change of use and alterations to retail units to create additional rooms for existing neighbouring House of Multiple Occupation (within a Conservation Area)

Site Description.

13-15 Southgate is a commerical terrace building, faced in sandstone with a pitched slate roof and timber framed signage. The site is located within the Huddersfield Town Centre Conservation Area and is situated between Listed Buildings (No.'s 11 Southgate, 5 Tomlinsons Yard and 36 St Peter's Street).

The application site is located within Huddersfield Town Centre.

Description of Proposal.

Planning permission is sought for the change of use and alterations to retail units to create additional rooms for existing neighbouring House of Multiple Occupation.

The proposed development primarily relates to the internal structure and replacement windows.

To the front elevation, at ground floor level, the fenestration will be altered, with an area to be walled up in coursed natural stone and new windows to be installed.

To the northern facing elevation, two new windows are to be installed and the existing doorset is to be removed and replaced with fire escape doorset with push bar release.

To the southern facing elevation, one new window is proposed to be installed.

The proposal results in the creation of 3 additional bedrooms for the existing house of multiple occupation.

History of Negotiations / Amendments Received.

No Negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

- 2010/93388 – Alterations to convert vacant units to HMO Student accommodation living with internal alterations, adaptation and extension. *Granted Conditional Full Permission.*

Representations.

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, a site notice and within the newspaper.

Final publicity date expired: 8th November 2024.

No representations received.

Consultation Responses.

KC Environmental Health – No objections, with the inclusion of conditions and footnotes relating to noise, air quality and construction site working times.

KC Highways Development Management – Access arrangements are unchanged, and Highways Development Management have therefore no objection to these proposals.

Policy / Legislation.

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

The site is located within the Huddersfield Town Centre Conservation Area and is situated between Listed Buildings.

The site is located within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP13 – Town centre uses
- LP15 – Residential use in town centres
- LP17 – Huddersfield Town Centre
- LP20 – Sustainable transport
- LP21 – Highway safety
- LP22 – Parking provision
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP35 – Historic environment
- LP51 – Protection and improvement of local air quality

- LP52 – Protection and improvement of environmental quality

Supplementary Planning Documents:

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide (adopted June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- 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

Legislation:

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

Assessment.

1) **Principle of Development**

Sustainable Development:

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and 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."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

Housing Supply:

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

In this instance, the proposal seeks to create three additional bedrooms for the existing neighbouring House of Multiple Occupation. Given that the proposals utilise an existing building, it is not considered that any further levels of accommodation could be provided at the site, whilst securing appropriate levels of residential amenity for future occupiers.

Land Allocation – Town Centre:

The development seeks permission for the change of use and alterations to 13-15 Southgate to create additional rooms for existing neighbouring HMO.

Policy LP15 of the Kirklees Local Plan refers to residential use in town centres.

Policy LP15 sets out that proposals for residential uses within defined town centres as set out on the Policies Map will be supported subject to certain criteria, set out below:

"a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;
b. the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;
c. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,

d. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;
e. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;
f. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
g. provision of affordable housing in accordance with policies set out in the Local Plan; and
h. the provision of refuse storage and collection"

The site is not located within a primarily shopping area and it is not located on a primary or secondary shop frontage. In addition, the site is currently vacant, with the proposal allowing the vacant floor space to be brought back into use. Given the location of the site within a Conservation Area and neighbouring Listed Buildings, the proposal would see the regeneration and retention of a building which contributes to the historic fabric of Huddersfield Town Centre.

Criteria b, d, e, f and h will be explored in the following sections of this report as they relate to matters of visual amenity, residential amenity and highway safety.

Further to the above, officers highlight that the building is currently vacant and that it has been vacant for at least a period of 10 years based on Google Map imagery data. This weighs in favour of supporting the proposed development, bringing a building back into use within Huddersfield Town Centre.

Policy LP13 seeks to ensure centres shall provide a mix of uses to serve the local community, businesses and visitors to the district. The uses shall complement each another whilst retaining a strong retail core. The applicants' agent has set out the retail unit has been vacant for approximately 10 years. It is noted it is towards the edge of the town centre.

Having regard to the fact the proposal would bring a vacant unit into use, and would see a small scale increase in activity as a result it is considered that refusal on grounds of impact upon the town centre could not be substantiated in this case particularly given the length of time the unit has been vacant.

Conclusion:

Therefore, it is considered that, on balance, the principle of the proposed development is acceptable, subject to being considered acceptable with regard to other considerations, which are addressed within the below sections of this report.

2) **Impact on Visual Amenity and Appearance of the Area (Including Impact Upon Historic Environment)**

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

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'.*

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.

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

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

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *"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."*

Policies within Chapter 16 of the NPPF are of relevance, this chapter initially sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 200 of the NPPF details that applicants must describe the significance of any heritage assets affected, including any contribution made by their setting and that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 206 of the NPPF details that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In the event of such harm being considered substantial the justification would need to be exceptional / wholly exceptional if such harm relates to Grade II listed buildings or buildings, parks monuments, battlefields world heritage sites with a higher degree of protection.

The application seeks planning permission for the change of use and alterations to 13-15 Southgate to create additional rooms for existing neighbouring House of Multiple Occupation.

The external alterations include replacement windows.

To the front elevation, at ground floor level, the fenestration will be altered, with an area to be walled up in coursed natural stone and new windows to be installed.

To the northern facing elevation, two new windows are to be installed and the existing doorset is to be removed and replaced with fire escape doorset with push bar release.

To the southern facing elevation, one new window is proposed to be installed.

The submitted Heritage Statement includes a section entitled 'Heritage Impact' and concludes that *"The scheme has minor impact on the street scene and the setting of the neighbouring listed buildings. It will instead enhance the overall appearance of the heritage asset by improving the current vacant frontage."*

Officers consider that, given the nature of the proposed external alterations, the development will not detriment the site's contribution to the heritage signficiance of the Conservation Area or setting of the neighbouring Listed Buildings, with the inclusion of conditions upon any grant of permission relating to materials.

For the reasons set out above, the proposal is considered to appropriately accord with criteria b and c of LP15 of the Kirklees Local Plan, residential use in town centres. This is because the proposals are considered to retain and enhance the design and heritage features of the host building and neighbouring buildings and create an active frontage to a currently vacant building.

With the inclusion of the aforementioned condition, it is concluded that the proposals would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Policies LP2, LP15 (b and c), LP24 and LP35 of the Kirklees Local Plan, relevant Principles within the Housebuilders Design Guide SPD and Chapters 12 and 16 of the NPPF.

3) Impact on Residential Amenity

Section B and C of LP24 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 users.

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

Criteria d of Policy LP15 sets out that proposals for residential uses within defined town centres will be supported subject to *"the protection of the amenity of existing ground floor uses and active frontages both within and outside the primary shopping area."*

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 rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

Impact to Neighbouring Properties:

Given that the only external alterations proposed to the building relate to fenestration detailing, it is not considered that the proposal would result in any undue impacts of overbearing or overshadowing to neighbouring buildings.

The proposed alterations to glazing to the front elevation will not result in overlooking towards any neighbouring buildings as it will be directly opposite the highway.

In addition, the proposed glazing to the northern and southern elevations will be adjacent to the courtyard and therefore, do not pose any impact of overlooking towards neighbouring buildings. Impacts of overlooking in relation to these windows is explored future in the following section, 'Impact to the Amenity of Future Occupiers'.

Impact to the Amenity of Future Occupiers:

Consideration must also be given to the amenity of future residents of the proposed dwelling.

It is first noted that the existing bedrooms within the building have been granted planning permission to operate as student accommodation and that, upon any grant of approval, a condition shall be imposed to ensure that the existing bedrooms and proposed bedrooms be restricted to operate solely as student accommodation. The inclusion of such a condition is considered reasonable in this instance, given the planning history at the site (2010/93388) and the level of accommodation provided by the bedrooms, with the floor space and provision of glazing considered to be better suited to temporary student accommodation rather than full-time occupation. This explored further below, within this section of the report.

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 Nationally Described Space Standards contain no specific standard for HMOs, nor for houses in excess of 6 bedrooms. However, Kirklees Council has its own amenity standards for Houses in multiple occupation, which can be found at the following link:
https://www.kirklees.gov.uk/beta/housing/pdf/HMO-amenity-standards.pdf

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.

Section 8.1 of this document refers to two or more room units with cooking, living and sleeping facilities.

With regard to the size of bedrooms, this document sets out that each single bedroom should have an internal floor area of 6.5m^2 and that each double bedroom should have an internal floor area of 10.2m^2.

The document goes on to assess shared accommodation and states each living room should have a minimum living room size of 8m^2 plus an additional 1m^2 per person. The common room and kitchen area on the submitted floor plan has an internal floor area of approximately 30.5m^2.

The application seeks permission for the creation of 3 additional bedrooms, bedrooms 6, 7 and 8 on the submitted ground floor plan.

Bedroom 6 has an internal floor area of approximately 19.5m^2. This bedroom will be served only by one window, which will face onto the courtyard area and the solid adjacent wall. However, given the communal living space available within the building, it is not considered that this single window to serve bedroom 6 would result in an undue level of amenity for the future occupiers of this bedroom. Upon any grant of approval, a condition shall be imposed to ensure that the common room be retained. Therefore, on balance, it is considered that bedroom 6 would provide appropriate levels of amenity for future occupiers on the basis of providing student accommodation.

Bedroom 7 has an internal floor area of approximately 20m^2. This bedroom would have windows to the front elevation and a window to the side elevation. However, the fenestration detailing to the principal elevation will include look-alike glazing panels on the lower half to grant privacy to users and, upon any grant of approval, a condition shall be imposed to ensure that the window in the side be obscure glazed, to avoid overlooking towards the occupiers of bedroom 8. On balance, given the windows proposed above the look alike glazing panels and the communal living space available (to be protected via condition), it is considered that bedroom 7 would provide appropriate levels of

amenity for future occupiers on the basis of providing student accommodation.

Bedroom 8 has an internal floor area of approximately 30m^2. This bedroom would have windows to the front elevation and a window to the side elevation. However, the fenestration detailing to the principal elevation will include look-alike glazing panels on the lower half to grant privacy to users and, upon any grant of approval, a condition shall be imposed to ensure that the window in the side be obscure glazed, to avoid overlooking towards the occupiers of bedroom 7. On balance, given the windows proposed above the look alike glazing panels and the communal living space available (to be protected via condition), it is considered that bedroom 8 would provide appropriate levels of amenity for future occupiers on the basis of providing student accommodation.

To avoid any potential of overcrowding and to ensure that the shared accommodation (common room and kitchen) on the submitted floor plan is appropriate for the level of occupancy, upon any grant of approval, a condition shall be included to limit the number of occupiers to bedrooms 6, 7 and 8.

Principle 17 of the Housebuilders SPD relates to the provision of outdoor amenity space. Whilst it is noted that there are no provisions for outdoor amenity space at the site, a condition is to imposed upon any grant of approval to limit the occupation of the building to student accommodation only and the site is considered to be located within a sustainable location.

With regard to noise, a 347 has been submitted, outlining the proposal and identifying the neighbouring uses and the A62 to the east of the site.

A background noise survey was undertaken between the 14th and 17th of June 2024. A summary of the findings is given, with comment made that the dominant source of noise was road traffic associated with Southgate (A62).

Upon formal consultation, KC Environmental Health officers confirmed that the aspect of the report relating to the internal requirements of BS8233, was accepted, recommending the inclusion of a condition upon any grant of approval to secure the recommendations made within the sound attenuation scheme.

The report does consider the requirement for a higher level of sound insulation where residential floors/walls meet with commerical/licensed premises, stating that an access corridor along the part wall has been designed. However, there are parts of the development where habitable rooms share a party wall and this has not been considered within the scope of the report. Therefore, a condition is recommended upon any grant of approval, for the submission of an addendum/further report to consider this requirement.

The proposed development site will introduce sensitive receptors into an existing Air Quality Management Area and is also adjacent to a highway with

Annual Average Daily Traffic greater than 10,000 vehicles per annum. Therefore, upon any grant of permission, an Air Quality Impact Assessment will be secured via condition.

With the inclusion of the aforementioned conditions, it is considered that the proposals would have an acceptable impact on residential amenity, in accordance with Policies LP15(d), LP24 and LP52 of the Kirklees Local Plan, relevant Principles from the Housebuilders Design Guide SPD and Chapters 12 and 15 of the NPPF.

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 111 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.

Policy LP15(e and f) set out that residential uses within defined town centres will be supported subject to *"the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport"* and *"the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns"*

Principle 12 of the SPD 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 SPD 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.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management.

KC Highways Development Management set out that the proposal results in the creation of three additional bedrooms for the existing house of multiple occupation, setting out that access arrangements are to be unchanged.

It was concluded that Highways Development Management have no objection to these proposals.

It is noted that the site is located within a sustainable location, within Huddersfield Town Centre, with access to public transport links.

With regard to bin storage, the submitted plans show that the bin storage area will be the same as existing, located off the public highway.

Therefore, given the above, it is considered that the proposal would appropriately accord with Policies LP15(e and f), LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the NPPF.

5) Other Matters

Policy LP51 of the Kirklees Local Plan and paragraphs 180 and 192 of the NPPF seek to ensure that new development does not result, directly or indirectly, in an increase in air pollution
Paragraphs 180 and 192 of the National Planning Policy Framework, together with the Air Quality & Emissions Technical Planning Guidance are relevant within the consideration of this proposal.

The Environmental Health Officer has commented upon air quality setting out that the proposed development site will introduce sensitive receptors into an existing Air Quality Management Area (AQMA 9) and is also adjacent to a highway with Annual Average Daily Traffic (AADT) greater than 10,000 vehicles per annum. They advise that an Air Quality Impact Assessment will therefore be required, and recommended this is secured by condition.

Having regard to the response of the Environmental Health Team it is considered that suitable mitigation in relation to air quality can be secured by the inclusion of an appropriately worded condition.

Subject to condition the proposal is considered to accord with the aforementioned policies.

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 SPD 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."*

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, given the requirement in relation to building regulations.

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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation: Delegated Powers
Application Number: 2024/92684
Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: To ensure compliance with 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 specification 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, LP2, LP13, LP15, LP17, LP20, LP21, LP22, LP24, LP30, LP35, LP51 and LP52 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15 16, 17, 18 &19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The area annotated as 'wall up in coursed natural stone' on the submitted plans titled 'Floor Plans & Elevations as Existing & As Proposed' (Dwg No. (100)01, Rev B) shall be carried out using coursed natural stone and shall be thereafter retained as such.
   Reason: In the interests of visual amenity and heritage significance, and to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design

Guide SPD and policies within Chapter 12 and 16 of the National Planning Policy Framework.

4. New window frames shall be of a timber construction. Mouldings and timber sections shall be of a traditional design and profile. No works to install new windows shall take place until design and joinery details (at 1/5 scale) have been submitted to and approved in writing by the Local Planning Authority. The approved windows shall then be installed in accordance with the approved details before first occupation of bedrooms 6, 7 and 8 and thereafter retained.
   Reason: In the interests of visual amenity and heritage significance, and to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 and 16 of the National Planning Policy Framework.

5. The building, as outlined in red on the submitted Location Plan (Dwg No. LOC) shall be used as student accommodation and for no other purposes in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
   Reason: To secure appropriate levels of amenity for future occupiers, in accordance with Policies LP15(d), LP24 and LP52 of the Kirklees Local Plan, relevant Principles from the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

6. Notwithstanding the submitted plans, the common room and kitchen, as shown on the floor plans on the submitted plans titled ‘Floor Plans & Elevations as Existing & As Proposed’ (Dwg No. (100)01, Rev B), shall be used as a common room and kitchen only and shall not function as bedroom space at any time throughout the lifetime of the operation of the building.
   Reason: In the interests of the amenity of future occupiers of the site and to accord with Policy LP24 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 8 of the National Planning Policy Framework.

7. Notwithstanding the submitted details, at no time shall there be in excess of one person utilising bedroom 6, one person utilising bedroom 7 and one person utilising bedroom 8 as residential accommodation.
   Reason: : In the interests of the amenity of the occupiers, to avoid overcrowding and to ensure that the communal living areas are sufficient for the level of occupancy, in accordance with Policy LP24b of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

8. The development shall not be occupied until the window to serve bedroom 7 in the north elevation and window to serve bedroom 8 in the south elevation hereby approve have been obscure glazed. The

obscure glazing shall thereafter be retained for the lifetime of the development.
Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, Principle 3 of the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

9. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by NoiseAir dated 22 July 2024 Ref P7466-R1-V1 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

10. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. Before the development is brought into use, a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine the impact that the poor air quality in the area will have on the future occupiers of the proposed development and provide details of the required mitigation measures that will be provided to address any such adverse impact. The approved mitigation measures shall be implemented before occupation and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 & 15 of the NPPF and LP20, LP24, LP51 of the Local Plan.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants http://www.association-of-noiseconsultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE: 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.

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

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	(LOC)	-	19.09.24
Floor Plans & Elevations as Existing & as Proposed	(100) 01	B	19.09.24
Climate Change Statement	-	-	19.09.24
Planning, Heritage Statement	-	-	19.09.24
Noise Impact Assessment Report by NoiseAir Acoustics & Air Quality	P7466-R1-V1	Version 1	19.09.24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a

pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 11.11.24