

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

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| Reference No: | 2024/62/93085/E |
| Site Address: | The Old School House, 688, Bradford Road, Birkenshaw, BD11 2DR |
| Description: | Change of use of offices to one dwelling |
| Recommending Officer: | Elenya Jackson |

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 20-DEC-2024

Site Description

The Old School House, 688, Bradford Road, Birkenshaw, is a two storey stone built property which benefits from a large area of hard surfacing to the side and rear which forms the sites amenity space.

The existing structure forms part of a collection of buildings which are of similar age and enclose St Paul's Church. From viewing historic maps of the site, it is understood the building was in conjunction with the school (buildings currently used as a community centre) and was built prior to 1893.

The immediate vicinity of the site is mixed use with residential dwellings sporadically located around the site. There are three listed buildings to the north/north east of the site. St Pauls Church is a Grade II Listed Building while 690 Bradford Road and Birkenshaw Community Hall are curtilage Listed Buildings.

The site is not within a Conservation Area.

Description of Proposal

The application is seeking planning permission to change the use of the building from an office use to a single dwelling.

The property would have three bedrooms at first floor level and no external alterations would be required.

Relevant Planning History

91/05337 - Vehicular Access - Conditional Full Permission.

2007/93013 - Change of use of existing dwelling to B1 office use – Conditional Full Permission

Representations

The application was advertised by neighbour letters which expired on 1912/2024

No comments were received in response to the application

Consultation Responses

KC Highways Development Management (DM) - No objections or conditions required

KC Environmental Health - No objections

Policy

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

The site is unallocated on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 35** – Historic Environment

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 2024, and 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.

Chapter 2- Achieving sustainable development
Chapter 12- Achieving well designed places
Chapter 16- Conserving the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Negotiations
- 7) Conditions
- 8) Conclusion

1 – Principle of development:

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This policy stipulates proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise.

Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The proposal is to change the use of the property from an office to residential.

Housing supply

Alongside the above, the proposal would also lead to the formation of a residential dwelling and therefore it is considered appropriate to consider the Council's housing land supply position.

As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Having taken into account general policies regarding the conversion of buildings, within the wider context, it has been considered that the principle can be supported, as the property is historically known as being of residential use. As such, an assessment against other material planning considerations will be taken into account below.

2 – Impact on visual amenity

Policy LP24 of the Kirklees Local Plan, consistent with chapter 12 of the NPPF, states that the form, scale, layout and details of all development respects and enhances the character of the townscape.

With respect to the general design advice contained within Chapter 12 of the NPPF, it is stated that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

In this case, officers note that the proposed works would be limited to the internal nature of the building in order to convert the existing property into a dwelling with no external changes.

Therefore, having taken into account the above, it has been considered that the proposal would be of a satisfactory design quality and would be in keeping with the wider street scene. As such, the proposal would accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The property would not require any external alterations to be converted into a dwelling.

686A Bradford Road: located 21m to the east of the application property.
Overlooking: The proposal would feature one rear facing window at first floor relating to a landing. It is considered that due to the non-habitable nature of the room associated with the window and there being 21m between the rear of the main dwelling and no 686A, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: There are no external alterations to the building and therefore no significant issues would arise regarding overshadowing/loss of light or overbearing.

Future Occupiers:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account principle 16 of the Kirklees House Builder's Design Guide which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National space standards require the following gross internal floor area for a two storey dwelling:

- 3 Bedroom, 4-person dwelling set over 2 storeys- 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storeys- 93 square metres
- 3 Bedroom, 5-person dwelling set over 2 storeys- 102 square metres

The proposed floor plans show the proposal would have three bed spaces and therefore is required to have an internal floor space of 84m².

The proposal is shown to have an internal floor space of 168m² over two floors. It is considered that an acceptable standard of living would be demonstrated if the proposal received planning permission, with the floor space far exceeding the nationally described standards.

Principle 17 of the House Builders Design Guide SPD states that all new houses should have adequate access to private outdoor space. The application site had previously been a dwelling until 2007 and it is therefore considered that there is an acceptable amount of amenity space available.

Overall, it has been considered that the proposal would have an acceptable impact on residential amenity and would be compliant with the aims of Policy LP24 (c) of the KLP.

4 – Impact on highway safety:

KC Highways DM have been informally consulted as part of this application. As the site is currently in use as an office and has previously been used as a dwelling, it is considered that due to the property having a large area of hard surfacing, the proposed site layout is acceptable in highways terms.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

5– Other matters:

Carbon Budget

The proposal is for a material change of use to residential use. It would be appropriate in this instance to impose a condition requiring the installation of an electric vehicle charging point, in accordance with the Council's sustainability agenda.

6 – Representations:

No comments received

7 – Negotiations:

No negotiations were required.

8 – Conclusion:

This application to change the use from an office to residential dwelling been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed alteration is considered to be acceptable.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/93085

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

| Plan Type | Reference | Date Received |
|-----------------------------|-----------|---------------|
| Location Plan | 22/169 | 5/11/2024 |
| Proposed Plans | 24/129/A | 5/11/2024 |
| Exiting Plans | 24/129/B | 5/11/2024 |
| Design and Access Statement | - | 5/11/2024 |

| Plan Type | Reference | Date Received |
|--------------------------|------------------|----------------------|
| Climate Change Statement | - | 5/11/2024 |

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 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 alterations were required.