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November 2024



## **Planning Statement**

**FULL PLANNING APPLICATION FOR THE CHANGE OF USE OF  
THE GROUND FLOOR AND BASEMENT FLOOR FROM A RETAIL  
UNIT (CLASS E(a)) TO 2NO. APARTMENTS (CLASS C3 USE) AND  
ASSOCIATED ANCILLARY WORKS.**

**1 MORLEY LANE, MILNSBRIDGE, HUDDERSFIELD, HD3 4NR.**

On behalf of

CSW Property LTD

Prepared by

I D Planning  
32 Eyre Street  
Sheffield  
S1 4QZ

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## 1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of CSW Property LTD to support a full planning application for the change of use of the ground and basement floor from a retail unit (Class E(a)) to 2no. apartments (Class C3 use) and associated ancillary works at 1 Morley Lane, Milnsbridge, Huddersfield, HD3 4NR.
- 1.2 The application site is located at 1 Morley Lane on the corner of Morley Lane and Market Lane in the District Centre of Milnsbridge, Huddersfield. The current site is operating as a Fire Place Showroom. However, the site is due to close in December 2024 due to lack of viability of the business.
- 1.3 The site was previously a public house; in 2011, a planning application (2011/92981) was submitted to change the use of the building to a Class A1 retail space (now Class E(a)) at ground floor level and 2no. residential apartments at first-floor level (Class C3).
- 1.4 A further planning application was submitted in 2016 (Ref. 2016/90565) for the erection of a single-storey rear extension to the existing A1 retail showroom. This application was approved, and the extension has subsequently been erected. However, this part of the wider site will remain as a retail unit.
- 1.5 The existing building therefore currently comprises two residential apartments on the first floor and a retail unit at the ground and basement levels.
- 1.6 The retail unit is accessed via Morley Lane, and the existing residential apartments are accessed via Balmsford Yard West to the rear of the property.
- 1.7 This application proposes the conversion of the ground floor and basement floor from Class E(a) use to 2no. dwellinghouses/flats C3 use.
- 1.8 The apartment one proposal comprise a double bedroom with a shower-room and living space on the ground floor.
- 1.9 The apartment two proposal comprises a two bedroom arrangement with one double bed and one single with a shower-room and living space on the ground floor and kitchen to the basement.
- 1.10 The proposed development would have primary shared pedestrian access off 1 Morley Lane and secondary pedestrian access at a rear yard via Balmfords Yard West which is accessed from Market Street.
- 1.11 In terms of the local planning policy context within the Kirklees Local Plan, the site is located within the Milnsbridge Conservation Area and Milnsbridge District Centre. However, the site itself is unallocated and is not within any Primary or Secondary Shopping area or Frontage.

### Application Submission

- 1.12 This planning application submission is supported by the following suite of plans and documents.
  - Application Forms;
  - Statutory Planning Application Fee;
  - Architectural Plans (see Cover Letter for full list);

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### Technical Reports

- Planning Statement;
- Design & Access Statement;
- Noise Impact Assessment; and
- Climate Change Statement.

### **Structure of Planning Statement**

1.13 The Statement is structured as follows:

**Section 1:** Introduction

**Section 2:** Sets out the site description and planning history;

**Section 3:** Provides a description of the proposed development;

**Section 4:** Sets out an overview of relevant national and local planning policies;

**Section 5:** Provides an assessment of planning merits; and

**Section 6:** Set out our conclusions.

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## 2. Site Description & Planning History

### Site Description

- 2.1 The site is located on the corner of Morley Lane and Market Street in the Milnsbridge district of Huddersfield. Milnsbridge is situated 2 miles west of Huddersfield Town Centre within the Colne Valley.
- 2.2 The application site comprises a former public house which was converted to a retail showroom (Class E(a)) with residential dwellings on the first floors (Class C3).
- 2.3 The site is currently operating as a Fireplace Showroom, with most of the existing floor space comprising the showroom. The basement floor currently provides storage space for the showroom operations.
- 2.4 The existing site layout can be found below in Figure 1.

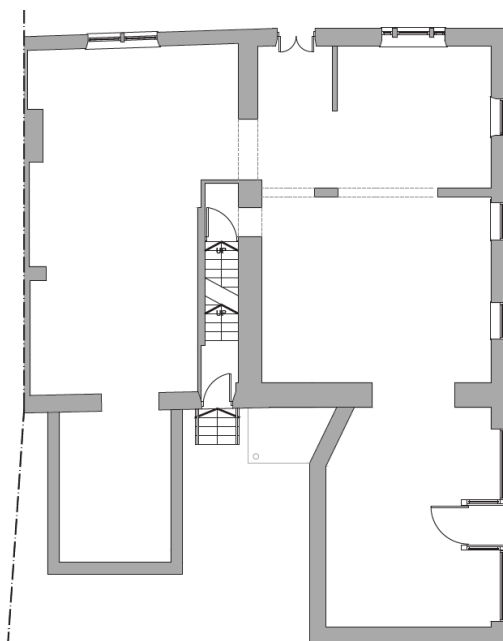


*Figure 1: Existing Site Layout.*

- 2.5 As Figure 1 shows there are three existing accesses to the site: one to the north of the site along Morley Lane, one to the south via Balmford Yard West and one to the east of the site along Market Street.
- 2.6 There is also a retail unit at 33/35 Market Street, currently attached to the site (bottom right section of Figure 1), which currently provides eastern access to the site via Market Street. However, this is not part of the proposed change of use, with the existing retail unit here being retained.
- 2.7 Various retail units along Morley Lane and Market Street, as well as residential dwellings along Yates Lane, surround the site, forming parts of Milnsbridge District Centre.
- 2.8 To the north of the site is an Aldi Supermarket across the Milnsbridge (River Colne), which is located within the district centre. The District Centre Boundary extends further north along Market Street, and south along Yates Lane/Market Street.

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2.9 The A62 (Manchester Road) runs east to east along the southern edge of Milnsbridge with Whiteley Street connecting from the A62 into the centre of Milnsbridge and the defined district centre.

2.10 There is a car park located to the south of the district centre along Yates Lane.

### **Planning History**

2.11 The relevant planning history of the application site comprises the following applications:

- 2011/92981 - Change of use and alterations to convert existing public house to form A1 retail space at ground floor and 2 residential apartments at first floor (within a Conservation Area). – Approved on the 12<sup>th</sup> of January 2012.
- 2016/90565 - Erection of single storey rear extension to existing A1 retail showroom (within a Conservation Area). – Approved on the 31<sup>st</sup> of May 2016.

2.12 As the planning history confirms, the original public house was converted into a retail space (Class E(a)) on the ground floor and 2no. residential apartments on the first floor in 2012.

2.13 The site was then extended along the southern boundary to provide more retail space in 2016.

2.14 The site has since been operating in line with the above permission.

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### 3. Proposed Development

- 3.1 The following section provides a description of the proposed development and should be read in conjunction with the architectural plans, Design & Access Statement and supporting technical reports submitted with the application.
- 3.2 The submission proposes the change of use of the ground floor and basement levels of 1 Morley Lane from Class E(a) to Class C3 in order to provide 2no. apartments. The proposal contains minor internal and external works to facilitate the change of use.
- 3.3 The area of the existing building and the area of the proposed building are the same, with this proposal not including any extensions or alterations that would make the structure larger.
- 3.4 The proposed apartment one will be located to the north-west of the site, and will comprise a double bedroom with a shower room and living space on the ground floor. The proposed GIA for this apartment is 61 sqm. This apartment will create enough habitable space for two people.
- 3.5 Apartment two is located to the north east of the site, and will provide two bedrooms and a living space/dining area in the basement level. This apartment has a GIA of 70.5sqm. This apartment will create enough habitable space for three people.
- 3.6 The proposals have been designed to satisfy the Technical Housing Standards outlined within the accompanying Design & Access Statement.
- 3.7 Both apartments will have a primary shared pedestrian access via the existing access along the northern boundary of 1 Morley Lane. Apartment 2 has a secondary pedestrian access at a rear yard (Balmfords Yard West) accessed from Market Street.
- 3.8 Landscaping within the site is restricted as the external space is limited. There are some existing landscaping features, which include plant pots on the external stairs leading up to the existing apartments and a wall-mounted pallet used as a planter.
- 3.9 One parking space is proposed to remain as existing, and bin collection will be located towards the southwest boundary of the site.
- 3.10 The proposals also contains new partitions to form rooms and to infill an existing internal opening to allow the retained retail unit to be self-contained.
- 3.11 At lower ground floor level there will be a kitchen and dining space for apartment two, while the remaining space will stay as landlord storage / retail office.
- 3.12 Access to the landlord storage and retail space will remain from the south of the site, and the kitchen and dining space will be accessed internally from apartment two. At ground floor level the existing open plan showroom will be divided up to form apartments one and two with access from Morley Lane, while the existing south-east showroom space will remain as a retail unit with access from Market Street.
- 3.13 The only external alterations are a new window formed to the northeast rear elevation for a bedroom and the reinstatement of an original infill opening to a bedroom window to the southeast elevation. All bedrooms would be daylit with windows.

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- 3.14 The proposed design provides pedestrian access into the building using the existing entrances. Access to the existing apartments at first-floor level is to the rear of the property and outside of the application site.
  - 3.15 Access to the proposed apartments is at the north of the site, at ground floor level which is an existing entrance into the retail shop. By retaining the existing doorways, this retains the visual commercial link.
  - 3.16 Access to the existing retail unit at ground floor level is at the east, where the prominent entrance to the retail space will remain.
  - 3.17 This allows the existing and proposed apartments to have separate, more private entrances while also keeping the retail access separate from both proposed and existing apartments.

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## 4. Planning Policy

### Statutory Development Plan

- 4.1 The Statutory Development Plan for the Milnsbridge area comprises the Kirklees Local Plan, which was adopted on the 27<sup>th</sup> of February 2019.
- 4.2 The site is located within the Milnsbridge Conservation Area and Milnsbridge District Centre as identified within the Kirklees Local Plan.
- 4.3 A list of all relevant policies contained in the Kirklees Local Plan are set out below.

#### Kirklees Local Plan (2019)

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP7 – Efficient and Effective Use of Land and Buildings
- LP13 – Town Centre Uses
- LP15 – Residential Use in Town Centres
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP35 – Historic environment
- LP43 – Waste management hierarchy
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality

### National Planning Policy Framework

- 4.4 The latest edition of the National Planning Policy Framework (NPPF) was published in December 2023 and supersedes all previous versions of the document. The Framework sets out the Government's planning policies for England and how these are expected to be applied.
- 4.5 Chapter 5 of the NPPF clearly identifies that Local Planning Authorities should seek to boost significantly the supply of housing. The site is unallocated land for development.
- 4.6 Paragraph 70 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.
- 4.7 Paragraph 8 confirms that the purpose of the planning system is to achieve sustainable development. Paragraph 10 goes on to state that there should be a presumption in favour of sustainable development.
- 4.8 Section 8 and paragraph 96 seeks to promote healthy, inclusive and safe places through promoting social interaction, ensuring developments are safe and accessible

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and enabling and supporting healthy lifestyles such as by encouraging walking and cycling.

- 4.9 Section 9 promotes 'Sustainable transport'. Paragraph 115 confirms 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.
- 4.10 Section 11 seeks to make effective use of land.
- 4.11 Section 12 identifies the importance of '*Achieving well-designed and beautiful places*'. Paragraph 131 states that the creation of high quality 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 4.12 Paragraph 135 states that decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;* and
  - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 4.13 Section 16 deals with '*Conserving and enhancing the historic environment*' and states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

#### **Milnsbridge Conservation Area Appraisal (2010)**

- 4.14 This report highlights the Heritage Assets and evolution of the Milnsbridge area, highlighting the buildings, heritage, and relationship with the countryside. The site and much of Milnsbridge is located within a Conservation Area.
- 4.15 In summary, the appraisal defines the area's special characteristics, including its architectural and historic interest

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## Supplementary Planning Documents (SPDs)

### The Kirklees Housebuilder Design Guide SPD (June 2021)

- 4.16 The purpose of this Supplementary Planning Document (SPD) is to set out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision.
- 4.17 The document seeks to support the delivery of residential development in Kirklees that supports the Council's Climate Emergency Action Plan, for Kirklees to be completely carbon neutral by 2038.
- 4.18 The SPD provides applicants and developers with detailed guidance about the implementation of Kirklees Local Plan policy LP24 'Design' and other relevant Local Plan policies within the context of national planning guidance to create high quality buildings and places.

## Pre-Application Advice

- 4.19 A Pre-Application request was made to Kirklees Council, with a response received on the 6<sup>th</sup> of August 2024.
- 4.20 The Pre-Application response concluded the following:

*"To summarise, you would need to supply a Planning Statement, with a heritage section, to set out the reasons for the identified concerns considering impacts to the historic shopping area and Milnsbridge Conservation Area which directly reference / consider the requirements of policies LP13, LP15 and LP35. In this, you should identify justifications and public benefits from the scheme that would outweigh any identified harm.*

*Further to this, I have concerns regarding residential amenity and have advised alterations to the proposal to improve the scheme in terms of outlook, daylighting and privacy.*

*It is advised that the information detailed within this letter be considered and submitted as part of a future planning application."*

- 4.21 The Pre-Application advice has therefore, been incorporated into the formal submission, with the residential amenity issues being addressed via the Planning Assessment Section, the accompanying Design & Access Statement and the Noise Impact Assessment.
- 4.22 A Heritage Statement within this Planning Statement has also been produced in order to address identified concerns regarding impacts to the historic shopping area and Milnsbridge Conservation Area, which directly reference / consider the requirements of policies LP13, LP15, and LP35.
- 4.23 In regards to the principle of the development section of the Pre-Application also highlighted that:

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*“The site is within Milnsbridge District Centre on a prominent corner plot location. LP15 of the Kirklees Local Plan supports residential uses within defined town centres, in this case being the identified District Centre, subject to requirements to protect the shopping centres’ vibrancy and activity. LP13 encourages a mix of uses within Centres, as long as they conserve and enhance the local character, heritage and green spaces of the area. Paragraph 90f) of the NPPF recognises “that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

*In this instance, the application site is not within an identified primary shopping area nor is identified as a shopping frontage on Council records.*

*As such, the following impacts within LP15 b), d) - f) and h) remains to be assessed under visual amenity, residential amenity and highways sections.”*

### **Additional Material Considerations**

- 4.24 In addition to the above, any application for householder development needs to make reference to the Nationally Described Space Standards which is a relevant planning consideration under LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework for residential amenity.

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## 5. Planning Assessment

- 5.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The development plan for Kirklees is comprised of:
- Kirklees Local Plan (2019).

### Principle of Development

- 5.3 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan 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).
- 5.4 Policy LP2 of the Kirklees Local Plan states that:
- “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes...”*
- 5.5 The site is not shown as allocated for development on the Kirklees Local Plan Policies Map. However, the site is located within Milnsbridge District Centre and Milnsbridge Conservation Area.
- 5.6 Policy LP7 of the Kirklees Local Plan also states that proposals should encourage the reuse or adoption of vacant or underused properties.
- 5.7 Policy LP15 of the Kirklees Local Plan supports residential uses within defined district centres subject to consideration of a number of criteria.
- 5.8 Applicable criteria taken from Policy LP15 are considered to be as follows, as set out in the Pre-Application response from Kirklees Council:

*“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;*

*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;*

*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;*

*h. the provision of refuse storage and collection”*

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- 5.9 The proposal is not located in a primary shopping area, primary or secondary shopping frontage. As such the proposal is not considered to have a detrimental impact in this regard and no conflict arises with criteria (a) of Policy LP15.
- 5.10 In relation to Criterion (b) of Policy LP15, as stated within the Design & Access Statement and shown on the accompanying plans, the proposed development proposes to keep the position of the existing box signage on the North and East elevations, replacing it with lettered signage and the wall-mounted signage on the corner of the building where Market Street and Morley Lane meet.
- 5.11 In our view these proposals would retain some of the original character of the street scene when the unit was previously operated as a public house. This would result in the proposal retaining and enhancing the design and heritage features of the building.
- 5.12 Removal of the retail signage on the north and east elevations towards the corner of Market Street / Morley Lane, would restore the views of the unit to its original character without extensive commercial signage on the property.
- 5.13 As viewed along Market Street, the existing retail unit with shutter in the south eastern part of the building would be retained thus maintaining views along and past the application site along Market Street with a clear view of the retained shop front.
- 5.14 The proposed wall mounted signage on the northern boundary will explore the history and community of Milnsbridge, similar to information boards that were previously positioned near River Colne on Milnsbridge.
- 5.15 The existing box signage is proposed to be updated along the eastern boundary to lettered signage to reflect the previous public house, The Armitage Arms, enhancing the heritage and further protecting the local character of the site.
- 5.16 The proposed windows themselves are sash windows, the same in appearance as shown on the site in the 1960s. By retaining the sash windows the elevations have the same details and fenestration as the original public house of The Armitage Arms, which maintains the design and heritage features of the building and protects the character of the centre and the local street scene, as well as maintaining the commercial link between the north and south of the district centre.
- 5.17 The proposals would therefore retain and enhance the design and heritage features of the building through careful treatment and retained signage along the north and east elevations towards the corner where Morley Lane and Market Street meet.
- 5.18 Therefore, the proposed development is considered policy compliant with Criterion (b) of Policy LP15, as the site maintains the character and local street scene of Milnsbridge District Centre (which forms part of a Conservation Area). The proposed development also enhances the design and heritage features of the building.
- 5.19 Matters relating to criterion (d) dealing with residential amenity, criterion (f), which addresses space for vehicular parking, and criterion (h), the provision of refuse and collection, are all addressed later in this section demonstrating no material harm arising.
- 5.20 In light of the above we consider the proposed development would not lead to material conflict with Policy LP15 and can be supported 'in principle'. Indeed, we consider the proposals would help restore the original character of the building and therefore would help retain and enhance the design and heritage features of the building.
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- 5.21 In dealing with matters of ‘principle’, the pre-application response highlighted that Policy LP13 encourages a mix of uses within Centres, as long as they conserve and enhance local character, heritage and green spaces of the area. The response also recognises that as highlighted in the NPPF (paragraph 90(f)), residential development often plays an important role in ensuring the vitality of centres. As highlighted above we consider the proposal would enhance local character and heritage whilst also enabling more people to live in a district centre environment.
- 5.22 Notwithstanding the above, the pre-application also highlights that Policy LP13 states that *“proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported”*. The pre-application response raises potential concerns over the loss of the retail unit through the loss of what the officer’s considered to be a visibly commercial link within the centre.
- 5.23 There are 58 units within Milnsbridge District Centre including around 15 vacant units.
- 5.24 The retail unit in the south eastern part of the site, along Market Street, is being retained as existing, thus maintaining the commercial link through the District Centre.
- 5.25 As highlighted above the proposed development would retain the existing ground floor retail unit in the south eastern part of the site with its existing signage above the shop front. In terms of appearance this unit would have a separate address and glazed shopfront.
- 5.26 The proposal would also provide new signage along the northern and eastern frontage to reflect the historic use of the site. Indeed, the proposals would effectively restore the frontages of the building to the same character and appearance as was the case when it was used as a public house. In this context the frontage would still provide interest in views down Market Street from the northern side of the river that would link visually to other units to the south in the centre as you approach the corner of Market Street / Morley Lane.
- 5.27 When viewed from north of the river and due to the angle of view from either side of the road, existing commercial properties along Market Street would continue to be seen, along with the retained shop element, creating interest in the street scene and ensuring the proposal would maintain an active frontage in views from the north and ensure the existing commercial visual link through the district centre is retained.
- 5.28 As you approach the unit from the north and on the bridge, existing units to the east would be viewed and would draw the eye ensuring the relatively short frontage of the application site, with new signage, would not break that commercial visual link. Indeed, the inclusion of the signage would ensure the eye is still drawn to an apparent more commercial frontage whilst also then seeing existing commercial units to the east along Morley Lane in the same way as was the case when the site operated as a public house.
- 5.29 The application proposals will ensure the site maintains an active, attractive frontage, ensuring the site does not fall into vacancy when the Fireplace Showroom closes for viability reasons in December 2024.
- 5.30 Policy LP13 also encourages a mix of uses within Centres, as long as they conserve and enhance the local character, heritage and green spaces of the area. As stated above, the proposed development helps enhance and maintain the local character and
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heritage of the existing site by promoting a design that complements both the historic and contemporary built form of the site.

- 5.31 We believe by maintaining these elements, including signage on both frontages, will in turn retain the existing commercial visual link through the district centre. This is particularly so given the majority of the shopping frontage will be retained along Market Street whilst views along Morley Lane as you approach from the north would continue to identify further existing commercial uses.
- 5.32 Against this background we consider the proposal would not result in significant adverse impact on the vitality and viability of the district centre nor would it compromise the role and function of the centre.
- 5.33 We conclude no material conflict arising with regard to Policy LP313.
- 5.34 Having regard to all the above, we consider the 'principle' of the proposed change of use from retail to residential, as set out in the application submission, would not lead to material planning harm and would deliver a range of benefits identified elsewhere in this statement. One such significant benefit is that of delivering new housing as identified below.

### **Housing Need**

- 5.35 With regard to Housing Need, National Planning Policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.
- 5.36 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 5.37 The February 2024 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land.
- 5.38 Therefore, as Kirklees Council are currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider this planning application for housing development in the context of NPPF paragraph 11, which triggers a presumption in favour of sustainable development.
- 5.39 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."
- 5.40 The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts and whether these will significantly and demonstrably outweigh the benefits, when assessed against policies in the framework as a whole. However, the presumption is in favour of granting permission in this case.
- 5.41 Chapter 5 of the NPPF clearly identifies that Local Planning Authorities should seek to boost significantly the supply of housing. The site is unallocated land for development.

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- 5.42 Paragraph 70 of the NPPF recognises that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”*.
- 5.43 The Council are unable to demonstrate a five year housing land supply and national planning policy (NPPF) recognises the important contribution that small windfall sites can make to meeting housing needs, given great weight to suitable sites within existing settlements. The proposed development would make a contribution to meeting housing need in a highly sustainable location within a settlement and on a suitable site for conversion. We consider provision of further housing in this location should be given substantial weight in support of the proposed development.
- 5.44 Policy LP7 establishes a desired target density of 35 dwellings per hectare unless the individual site characteristics dictate a lower density of development could only be considered compatible with its surroundings. The proposed target density highlighted within Policy LP7 highlights that 4.62 dwellings would be required as per the floor space of this development. However, as the application proposal is within a relatively densely populated area, it is considered that the density level of two dwellings would meet the requirements of policy LP7 due to the characteristics of this area and the small-scale nature of the site within a District Centre.
- 5.45 With the principle being established based on the National and Local Policy, the key remaining considerations as part of Local Policy LP15 (Amenity and Highways/Servicing) will be reviewed below, as well as Design and Heritage Impacts.

### **Residential Amenity**

- 5.46 Policy 15 criterion (d) states that the amenity of existing and future residents must be considered in regards to privacy, noise and air quality.
- 5.47 A Noise Impact Assessment (JMP Acoustics) has been submitted in support of the application.
- 5.48 The Noise Impact Assessment considers the potential impacts at the proposed residential properties from nearby sources of noise. The assessment has been undertaken with due regard to relevant planning policies, British Standards, and technical guidance documents relating to noise.
- 5.49 The results of the assessment indicate that the attenuation afforded by the existing building envelope is sufficient to achieve desirable internal noise level criteria when windows are closed and with the inclusion of an MVHR system for ventilation. Any new glazing systems included will need to match the acoustic performance of the existing glazing systems in order to meet the required internal noise level criteria.
- 5.50 On this basis noise need not be a significant factor in the determination of the planning application and this aspect of Policy LP15 can be considered addressed.
- 5.51 The site of the proposed development is not within or adjacent to an Air Quality Management Area, whilst it is situated in a busy area it is not on a designated road of concern and will not be introducing new receptors into an area of poor air quality. There are no aspects within the proposal to consider regarding air quality.
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- 5.52 Policy LP24 states that developments should provide a high standard of amenity for future and neighbouring occupiers.
- 5.53 The proposed development will not create any significant odours and there are no significant odours in the vicinity that will affect the development.
- 5.54 Therefore, the development is in full accordance with Policy LP15 (d) and Policy LP24 of the Kirklees Local Plan.
- 5.55 When considering matters of residential amenity and given the location of the site and having regard to the above we conclude no material conflict with Policy LP51 (Protection and improvement of local air quality) or Policy LP52 (Protection and improvement of environmental quality).

### **Transport and Servicing**

- 5.56 In regards to criterion (f) and (h) of Policy LP15. Details of bin storage and collection presentation points have been clearly shown on planning drawings 101, 110, 202, 203.
- 5.57 KC Highways DM have been formally consulted as part of the preapplication enquiry, providing the following advice:

*“Morley Lane is a one-way single carriageway local link road of approximately 8m width with footways on both sides and street lighting present.*

*There are No Waiting Mon-Fri 8am-6pm Sat 8am 12:30pm traffic regulation order (TRO) markings opposite the site with a bus box and No Waiting At Any Time TRO at the junction with Market Street and No Waiting Mon-Sat 8am-6pm on the same side of the site at the junction with Market Street. To the South West of the site there are no parking restrictions although any spaces will be shared with competing users.*

*B6111 Market Street is a one-way single carriageway local link road of approximately 8.2m width with footways on both sides and street lighting present. There are parking bays on the side of the site with a TRO parking restriction as Mon-Fri 9am-6pm 3 hours no return 1 hour, and No Waiting Mon-Fri 8am-6pm Sat 8am-12:30pm opposite the site.*

*Rear access to the site is via Balmford’s Yard West, which is an unadopted rear access. The site is approximately 125m from stops on a high frequency bus route (closer to stops on a lower frequency route) and there is a convenience store within 53m, a supermarket within 90m and other retail, services and medical within 140m in the town centre. This makes the site location relatively sustainable.*

*Trip generation to the site would be expected to be low and, due to the existing retail site generating trips, it is not expected that trip generation would be a concern. No parking has been provided as part of the development, however due to the type of proposal and sustainable town centre location, this is not considered likely to be a significant concern in this case.”*

- 5.58 Therefore, after discussions with the Highways Team and the provision of the bin stores and the existing parking space, with the location of the site being in a sustainable

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town centre location, the application is considered compliant with criteria (f) and (h) of Policy LP15 and policies LP21, LP22 and LP43.

### **Design and Heritage**

- 5.59 As stated within the Design & Access statement, Kirklees Local Plan Policies LP1, LP2 and significantly LP24 also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 5.60 The site is located within Milnsbridge Conservation Area. Policy 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 harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring public benefits that clearly outweigh the harm. This is also highlighted in Paragraph 208 in Chapter 16 of the NPPF.
- 5.61 As stated previously within the 'Proposed Development' section of this report, the application premises has largely remained the same since the 1960 designs; the fenestration is the same apart from the central window at ground floor level on the east elevation. This has been extended to create a larger window that follows the existing windows' fenestration either side. The windows themselves are sash windows, the same in appearance from 1960. By retaining the sash windows, the elevations have the same details and fenestration as the original public house of The Armitage Arms.
- 5.62 In addition, the proposals are to re-instate a window at the rear of the property at ground floor level. This was advised in the pre-application enquiry to allow the double bedroom in Apartment 2 sufficient natural light. The proposed window will overlook the private yard, maintaining the privacy within the double bedroom.
- 5.63 Finally, the proposal adds two additional windows, one on the east elevation of the double bedroom in Apartment 1 and the other on the south elevation. These elevations are visually unobtrusive and have low impact. They will have the same fenestration and details as the existing windows, maintaining the visual and heritage amenity.
- 5.64 By retaining the original character of the building, when it was in use as a public house, and removing some of the external clutter, we consider the proposals also provide an enhancement in the street scene within the Conservation Area. In this context we consider the proposals would preserve and enhance the significance of the asset (Milnsbridge Conservation Area) and we conclude no material conflict with Policy LP35.
- 5.65 As mentioned previously, both apartments comply with the Technical Housing Standard requirements.
- 5.66 In regards to Policy LP24, the proposed development complies with Criterion (a) by providing a proposal in which the form, scale, layout and details respect the character of the townscape.
- 5.67 Criteria (c) of Policy LP24 also state that high levels of sustainability should be incorporated into the site in proportion to the proposal scale.
- 5.68 An accompanying Climate Change Statement highlights the sustainability features of the development, showing evidence of how the development will minimise carbon emissions and waste during construction, reducing energy demand, minimising water

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usage, and other aspects such as flooding and air quality. Please see the attached Climate Change statement for full details of the proposed measures. The scheme is, therefore, in accordance with Criteria (c) of Policy LP24.

- 5.69 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.”*
- 5.70 The proposals would largely restore the property to its original character and external appearance in the district centre when it operated as a public house.
- 5.71 Therefore, it is considered the proposals would not adversely affect the historic character of the building, and by ensuring that it is kept in use, would in principle help to ensure its long-term conservation. Thus, it is concluded that the scheme would accord with policies LP15 and LP24, LP35 of the Kirklees Local Plan, and the Kirklees Housebuilders Design Guide SPD.

### **Biodiversity Considerations**

- 5.72 The proposals relate to conversion of an existing building to residential use and would not entail any physical extensions to the property. It would simply provide a change of use with internal alterations, reinstatement of a window opening and addition of two new windows.
- 5.73 In light of the above and the nature of the proposed development, we do not consider the proposals would give rise to material planning harm in the context of biodiversity interests. In this respect it is noted the site is located within a bat alert area although would have low potential for roosting bats due to the site being a conversion of an existing building at ground floor with no alterations to the host two storey roof. As such, the proposed conversion would not conflict with Policy LP30 (Biodiversity & Geodiversity) of the development plan.
- 5.74 The site is located within a much wider area which is identified on the adopted Local Plan Proposals Map as falling within the ‘Strategic Green Infrastructure Network’. In this respect the proposal entails conversion of an existing building and therefore would not affect the function and connectivity of the green infrastructure network. The proposal would integrate well with existing pedestrian and cycle routes in the locality that provide links to the green infrastructure network. We conclude no material planning harm arising with respect to Policy LP31.
- 5.75 Finally, in our view the mandatory biodiversity net gain requirements would not be applicable in this instance as the proposal is considered to fall under the ‘de minimis’ exemption as the habitat it affects, measures less than 25 sqm.
- 5.76 In light of the above we conclude no material harm to biodiversity interests as set out in the development plan and national planning policy (NPPF).

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## 6. Conclusions

- 6.1 This Planning Statement has been prepared on behalf of CSW Property LTD to support a full planning application for the change of use of the ground and basement floor from a retail unit (Class E(a)) to 2no. apartments (Class C3 use) and associated ancillary works at 1 Morley Lane, Milnsbridge, Huddersfield, HD3 4NR.
- 6.2 During the initial pre-application discussions, it was stated that the principle of development would be potentially accepted provided that the relevant criterion of Policy LP15 could be met, which this planning assessment has now addressed.
- 6.3 There would be no significant impacts on existing and future occupiers of the site regarding residential amenity, as addressed through the Noise Impact Assessment.
- 6.4 The site would not have a negative impact on the heritage and character of the district centre. It is considered the proposed design approach, with new signage to reflect the historic use of the site, would maintain the “commercial visual link” through the District Centre and areas along Market Street / Morley Lane. This is reinforced by retention of the existing retail ground floor retail unit in the south eastern part of the site.
- 6.5 The proposal as a whole will deliver a range of social and economic benefits to the district centre, with the retail unit closing in December. The application would help address the council's housing needs for which there is currently only a 3.96 year supply but would not have a significant adverse impact on the vitality and viability of the centre or compromise its role and function.
- 6.6 The proposal would deliver a high-quality development which achieves the optimum layout for the site, one that accords with relevant policies of the development plan when taken as a whole and overarching principles of the NPPF (2023).
- 6.7 In view of the above, it is considered the scheme satisfies national and local policy and represents an appropriate development proposal for the site that addresses all relevant planning considerations.
- 6.8 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having due regard to other material considerations, it is considered the presumption in favour of sustainable development should apply and planning permission should be granted.