

**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:	2024/62/93345/W
Site Address:	1, Morley Lane, Milnsbridge, Huddersfield, HD3 4NR
Description:	Alterations to ground floor to form 2 apartments (within a Conservation Area)
Recommending Officer:	Lucy Taylor

DECISION – REFUSED

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

John Holmes

AUTHORISED OFFICER

Date: 20th January 2025

Officer Report.

Reference: 2024/93345

Location: 1, Morley Lane, Milnsbridge, Huddersfield, HD3 4NR

Proposal: Alterations to ground floor to form 2 apartments (within a Conservation Area)

Site Description.

1 Morley Lane is a former public house which was converted to be a retail showroom (Class E). The site is located on the corner of Morley Lane and Market Street in the Milnsbridge district of Huddersfield. The building is a two-storey property which directly fronts the footway of both the northern and western elevations, with a single storey rear extension within a small yard area, which leads onto 'Balmford's Yard West'. The first floor is residential.

Surrounding the site are retail uses along both Morley Lane and Market Street and the site is within Milnsbridge Conservation Area.

Description of Proposal.

Planning permission is sought for alterations to ground floor of 1 Morley Lane to form 2 apartments.

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 gross internal area for this apartment is 61sqm.

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 will have a gross internal area of 70.5sqm.

Two new windows are to be formed to the northeast rear elevation for a bedroom and, to the same elevation, a former window opening (currently infilled) is to be reinstated.

Windows to remain as sash with altered casements on ground floor level that open to allow ventilation and means of escape.

The proposed design provides pedestrian access into the building using the existing entrances.

One parking space is proposed to remain as existing, and bin collection will be located towards the southwest boundary of the site.

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted. Whilst the application is recommended for refusal, the case officer did not enter into negotiations with the applicant / planning agent as the principle of development was concluded to be unacceptable. As such, it would not have been possible to overcome the reasons for refusal, given the description of proposal.

Further information was submitted to address matters raised in the consultation response of the Environmental Health Team. Given this was to address a matter which was confirmed could be controlled by condition it was not considered necessary for further consultation with the Environmental Health Team given the assessment of the proposal in light of other considerations (set out in the 'Assessment' section of this report).

Relevant Planning History.

- 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). *Conditional Full Permission.*
- 2016/90565 - Erection of single storey rear extension to existing A1 retail showroom (within a Conservation Area). *Conditional Full Permission.*
- 2016/90748 - Variation of condition 4 (Car Parking) on previous application 2011/92981 for 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). *Removal or Modification of Conditions.*

Officer Note: This relates to the proposed reduction in parking to the rear yard to be from two to one off-street parking space.

Representations.

The application was advertised via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 13th January 2025.

No representations received.

Consultation Responses.

KC Environmental Health – No objection subject to the inclusion of conditions regarding noise.

KC Highways Development Management – Consider the application is acceptable on highways grounds with a condition relating to cycle storage.

The Environment Agency – No objection or comments to make on this application as the proposal is for change of use and internal alterations only, there will be no increase in the footprint of the development and no works proposed within 8 metres of the River Colne.

Canal & River Trust – Confirms they have no comment to make on the proposal.

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 located in Milnsbridge District Centre.

The site is within Milnsbridge Conservation Area.

The site is located within the River Colne Corridor Strategic Green Infrastructure Network and is located within an area with a known area of bats.

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

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP13 – Town Centre Uses
- LP15 – Residential Use in Town Centres
- LP20 – Sustainable Travel
- LP21 – Highway Safety 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

Supplementary Planning Documents (SPD):

- Highways Design Guide (2019)
- Housebuilders Design Guide (2021)

Other Guidance Documents:

- Biodiversity Net Gain Technical Advice Note (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Climate Change Guidance for Planning Applications (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 2024, 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 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 7 – Ensuring the Vitality of Town Centres
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

Assessment.

1) Principle of Development

Sustainable Development:

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

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of

sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

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 of granting the proposal. Housing applications should be considered in the context of the presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, 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.”*

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.

The site measures around ~223.84sqm. The proposal is for the change of use of the ground floor of 1 Morley Lane to form 2 apartments. In this instance, it is considered that the number of residential units proposed is acceptable. This is because the proposal seeks to utilise an existing building and, even if there were the possibility to provide more dwellings at the site, it would increase the potential for other issues to arise, which could have a harmful impact, including on residential amenity and highway safety.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

Milnsbridge District Centre:

1 Morley Lane is a prominent corner plot within Milnsbridge District Centre. The proposal seeks to change the use of the ground floor of the building from

having a commercial use to a residential use. The proposal would therefore result in the loss of a 'main town centre use' as defined within the NPPF glossary, this being a public house.

Paragraph 90 of the NPPF states that planning decisions should support the role that town centres play at the heart of communities, but taking a positive approach to their growth, management and adaptation.

Policy LP13 of the Kirklees Local Plan relates to town centre uses. Policy LP13 states that proposals that have a significant adverse impact on the vitality and viability of centre or compromise the function of a centre will not be supported. The site is within Milnsbridge District Centre, and the Local Plan outlines the role and function of these centres is to *"Provide a range of shopping for everyday needs and serving specialist markets"* and *"be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services."*

Policy LP15 of the Kirklees Local Plan sets out several criteria relevant to the principle of residential accommodation at 1 Morley Lane, including LP15(a, b & c).

"Proposals for residential uses (including student accommodation) within the defined town centres as set out on the Policies Map will be supported subject to:

- 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 and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,"*

The existing commercial building of 1 Morley Lane is considered to serve as a significant visual link in connecting Milnsbridge District Centre, by virtue of its prominent corner plot location and commercialised shop front, including various forms of signage. In turn, it is considered that the loss of the ground floor of the building to residential uses would have a significant impact on the centre as a whole.

Whilst the applicant has submitted a Design and Access Statement and Planning Statement, no details have been provided with regard to the recent history of the building and why it is considered that there is no option other than to convert the use of the building to residential. It is not clear from the information submitted that all reasonable efforts have been made to preserve the ground floor of 1 Morley Lane as a retail unit or as another use falling within that which is defined as a 'main town centre use'.

Whilst the arguments as set out within the submitted documentation are noted, in this case, the creation of two residential units is not considered to

sufficiently outweigh the harm of the loss of the commercial unit and the associated impacts on the vitality and viability of Milnsbridge District Centre.

The Planning Statement sets out that a retail unit in the south eastern part of the site, along Market Street, is being retained as existing and that this maintains the commercial link through the District Centre. Officers do not consider the retention of this unit to sufficiently outweigh the harm posed to the District Centre as a result of the loss of the ground floor of 1 Morley Lane to residential apartments. This conclusion is drawn on the basis this unit is a separate building entirely, addressed 33-35 Market Street, and the site occupies a prominent corner plot position within Milnsbridge District Centre.

The Design and Access Statement and Planning Statement discuss retaining an active frontage to 1 Morley Lane, providing new signage along the northern and eastern frontage to reflect the historic use of the site. The details of proposed signage are as follows:

- Existing box signage to be updated to lettered signage to reflect on the previous public house, The Armitage Arms.
- Existing hanging signage to remain but will be updated to reflect residential use.
- Proposed wall mounted signage will explore the history and community of Milnsbridge, similar to information boards that were previously positioned near River Colne on Milnsbridge.

The incorporation of such signage is not considered to overcome the harm caused as a result of the loss of such a prominent commercial unit within Milnsbridge District Centre the function of the building would be contrary to the aims of Policy LP13 of the Kirklees Local Plan, which sets out that District Centres shall provide a mix of uses to serve the local community, businesses and visitors, retain a strong retail core and provide a range of uses to support the daytime and evening economy.

The loss of this building for a main town centre use could only be considered to be acceptable where it is evident that there are material considerations which clearly indicate that the element of the scheme which does not accord with the development plan is outweighed by those considerations. In this case it has not been demonstrated to what extent the continuation of a main town centre use has been sought to be secured / provided.

The use of the building does not appear to have ceased, and appeared to be in use at the time of the case officer site visit. No details about attempts made to ensure its continuation as a main town centre use have been detailed as part of the application.

It is noted that the proposal would lead to a small scale provision of housing, and this is a factor which can be afforded some weight in favour of the scheme. However, this is weighed against the loss of the ground floor of the building as a main town centre use, the prominence of this building in the

identified centre and role / contribution this plays in relation to the centre and its use for commercial purposes within the Conservation Area.

Therefore, whilst the tilted balance can be considered to be applicable in this case, for the reasons set out above, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The application is therefore considered to be contrary to Policies LP13 and LP15 of the Kirklees Local Plan and Chapter 7 of the NPPF.

2) Impact on Visual Amenity and the Character of Milnsbridge Conservation Area

Visual Amenity:

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 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.

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

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

Policy LP11 of the Kirklees Local Plan requires that All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

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 adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

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.

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.

Two New windows are to be formed to the northeast rear elevation for a bedroom and, to the same elevation, a former window opening (currently infilled) is to be reinstated.

Windows to remain as sash with altered casements on ground floor level that open to allow ventilation and means of escape.

The proposed design provides pedestrian access into the building using the existing entrances.

One parking space is proposed to remain as existing, and bin collection will be located towards the southwest boundary of the site.

The proposed external works to install new additional windows and reinstate a former window (currently infilled) to the rear elevation are considered to have a low impact visually, subject to being carried out to match the details of existing windows, which could be conditioned should permission be granted.

Character of Milnsbridge Conservation Area:

The site is within Milnsbridge Conservation Area. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Section 72 is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states *"development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...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 mirrored in paragraph 215 in Chapter 16 of the NPPF, which sets out: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Policy LP15 of the Kirklees Local Plan sets out that: *“Proposals for residential uses (including student accommodation) within the defined town centres as set out on the Policies Map will be supported subject to:*
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;”

Milnsbridge District Centre is located within the Milnsbridge Conservation Area. The Milnsbridge Conservation Area Appraisal sets out that the main shopping street is Market Street, with 1 Morley Lane located on the corner of Morley Lane and Market Street. Section 11 of the Milnsbridge Conservation Area Appraisal, titled Economic Need, sets out that *“Unusually, many of the mills in Milnsbridge are still used for industrial and commercial purposes, reinforcing this essential part of the character and heritage. It is vital to ensure Milnsbridge does have a diverse economic base to ensure the area does not decline, nor become a dormant commuter area.”*

Section 11, Economic Need, within The Milnsbridge Conservation Area Appraisal concludes that the long-term improvement of the parts of Milnsbridge included within the Conservation Area helps to reinforce the commercial attraction and local distinctiveness of the area. The conclusion goes on to set out that a comprehensive and balanced approach to preserving or enhancing the Milnsbridge will be undertaken to ensure the area is enhanced now and for future generations.

Given that the proposals would result in the loss of a ground floor commercial unit within Milnsbridge District Centre, it is considered that the proposals would result in less than substantial harm to the significance of a designated heritage asset, where no public benefits have been put forward and result in a scheme which is not considered to secure the optimum viable use of 1 Morley Lane. For these reasons, the proposal is considered contrary to Policies LP15(b) and LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

3) Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: *‘Maintain appropriate distances between buildings’* and *‘...minimise impact on residential amenity of future and neighbouring occupiers’*.

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

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

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable 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 footprint and built form of the existing building of 1 Morley Lane is to remain as existing, it is concluded that the proposals would not result in undue impacts of overbearing or overshadowing towards neighbouring buildings.

Two New windows are to be formed to the northeast rear elevation for a bedroom and, to the same elevation, a former window opening (currently infilled) is to be reinstated.

These windows would face out towards No. 31 Market Street, which functions as Holroyd and Co Wealth Management with the building having a primary commercial classification, a retail secondary classification and a shop / showroom tertiary classification. Given this, it is not considered that the windows would result in undue impacts of overlooking.

Impact to Future Occupiers of the Proposed Apartments:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015).

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 gross internal area for this apartment is 61sqm.

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 will have a gross internal area of 70.5sqm.

Both of the proposed apartments would be compliant with the minimum internal floor areas as set out within the Nationally Described Space Standards.

All of the habitable rooms within Apartment 1 are considered to be adequately served by windows.

Whilst the living space and bedrooms within Apartment 2 are considered to be adequately served by windows, the kitchen / dining area is in the basement. Dining kitchens are defined as habitable rooms and therefore, it is not considered that this room is adequately served by glazing, failing to provide adequate levels of natural light and / or outlook.

With regard to the provision of private outdoor amenity space, this would be limited to the small rear yard area. However, given the nature of residential accommodation sought, apartments within a District Centre, this provision is considered to be adequate. The site is located within a sustainable location, where areas of Urban Green Space are accessible.

With regard to noise, upon formal consultation with KC Environmental Health, it was highlighted that, where commercial uses share a party wall/floor Kirklees requires a higher level of sound insulation. Therefore, whilst it is noted that a Noise Impact Assessment was submitted as part of this application, conditions relating to further/addendum noise information are recommended to be attached upon any grant of approval.

Overall, it is considered that the proposals would fail to ensure a high standard of amenity to future occupants. This is specifically due to the poor level of light and outlook to the habitable room of the kitchen / dining area to serve Apartment 2, which does not ensure a suitable level of amenity for the future occupants. The proposal is therefore considered to be contrary to Policy LP24 of the Kirklees Local Plan, Chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

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

Principle 12 of the 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 officers made the following assessment of the proposal:

This application is for a residential development of two apartments on the ground floor of an existing retail unit fronting on to both B6111 Morley Lane and B6111 Market Street.

B6111 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 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. This provides access to a number of dwellings/premises, including vehicular access and also for waste bin storage.

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.

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 a highways concern.

No details were provided relating to waste storage and collection; however we assume that this will be done by Kirklees Residential waste collection service as with the existing residential premises. Drawing No C1038 110 Rev2 shows the location of two wheely bins within the curtilage of the site and this would be an acceptable location for bin storage.

Given the above, KC Highways Development Management Officers consider that the application is acceptable on highways grounds, with the inclusion of a

condition relating to cycle storage should the application be recommended for approval.

5) Other Matters

Biodiversity:

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 9 of the Housebuilders Design Guide SPD states that *“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.”*

The application site is located within an area with a known presence of bats.

Given the description of proposal, it is considered that it is unlikely to cause harm to protected species. However, Policy LP30 of the Kirklees Local Plan outlines that development should provide net gains and biodiversity enhancements should be conditioned should permission be granted, with regard to the installation of bat boxes.

With regard to biodiversity net gain, the submitted application form sets out that the scheme is exempt under the de-minimis exemption because the application relates to the change of use of an existing building, with no habitat to be altered as part of the proposal. The case officer considered this exemption applicable as put forward by the applicant within the application form. The development is therefore considered to benefit from the de-minimis exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no requirement for BNG to be provided in respect of the aforementioned legislation.

Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies

within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

The development is for the change of use of an existing building and would not see the removal of any existing trees or hedgerows at the site. The proposal is therefore not considered to have a significant impact upon the strategic green infrastructure network and is concluded to be acceptable in this regard.

Climate Emergency:

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 material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation: Refuse

Decision Authorisation – Delegated Powers

Application Number: 2024/93345

Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed development would result in the loss of a 'main town centre use' to the ground floor of 1 Morley Lane, located to a prominent corner plot position within Milnsbridge District Centre. It is concluded that the application has failed to demonstrate that the proposal would not harm the viability and vitality of Milnsbridge District Centre and is therefore contrary to Policies LP13 and LP15 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.
2. The proposed change of use of the ground floor of 1 Morley Lane to form 2 apartments within Milnsbridge District Centre, would result in less than substantial harm to the character of the Milnsbridge Conservation Area, contrary to the long-term aspirations as set out in the Milnsbridge Conservation Area Appraisal, which seeks to reinforce the commercial attraction and local distinctiveness of the area. No public benefits have been demonstrated and the proposal would result in loss of a main town centre use that would act as a commercial attraction. For these reasons, the proposal is considered contrary to Policies LP15(b) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.
3. The proposed development fails to ensure a high standard of amenity to future occupants. The poor level of light and outlook to the habitable room of the kitchen / dining area to serve Apartment 2 does not ensure a suitable level of amenity for future occupants. This would be contrary to Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Proposed Drawing Site Layout Plan	C1038 101	2	26.11.24
Existing Drawing Site Layout Plan	C1038 001	2	26.11.24
Existing Drawing Site Location Plan	C1038 000	2	26.11.24
Proposed Drawing Floor Plan	C1038 109	2	26.11.24
Existing Drawing Floor Plan	C1038 010	2	26.11.24
Existing Drawing Floor Plan	C1038 009	2	26.11.24

Proposed Drawing Floor Plan	C1038 110	2	26.11.24
Proposed Drawing Site Elevations	C1038 201	2	26.11.24
Existing Drawing Elevations Site Elevations	C1038 022	2	26.11.24
Existing Drawing Site Elevations East Elevations	C1038 021	2	26.11.24
Existing Drawing Elevations Site Elevations	C1038 023	2	26.11.24
Existing Drawing Demolition and Downtakings Ground Floor Level	C1038 050	2	26.11.24
Existing Drawing Demolition and Downtakings Lower Ground Floor Level	C1038 049	2	26.11.24
Existing Drawing Demolition and Downtakings East Site Elevations	C1038 051	2	26.11.24
Proposed Drawing Elevations Site Elevations	C1038 203	2	26.11.24
Proposed Drawing Elevations Site Sections	C1038 202	2	26.11.24
Existing Drawing Elevations Demolition and Downtakings	C1038 053	2	26.11.24
Existing Drawing Elevations Demolition and Downtakings	C1038 052	2	26.11.24
Planning Statement	-	-	26.11.24
Noise Impact Assessment	1412024	-	26.11.24

Design and Access Statement	C1038 + 450	-	26.11.24
Climate Change Statement	-	-	26.11.24

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No negotiations took place, and no amended plans were sought or submitted. Whilst the application is recommended for refusal, the case officer did not enter into negotiations with the applicant / planning agent as the principle of development was concluded to be unacceptable. As such, it would not have been possible to overcome the reasons for refusal, given the description of proposal.

Report Dated: 17.01.25