

**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:	2025/62/92904/W
Site Address:	Former Slubbers Arms, 1, Halifax Old Road, Fartown, Huddersfield, HD1 6HW
Description:	Alterations to convert form ground floor pub into two flats
Recommending Officer:	Molly Storer

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 13th January 2026

Officer Report

Site Description

The site is within an urban area, with a mix of uses surrounding the site. To the north and west of the site are residential properties. To the east, northeast and south of the site are terraced properties which are in a mix of uses with the ground floor of many of the properties being in a commercial use with residential above.

The site is prominent within the street and is an end terraced property with the eastern most part of the site being narrow and the building / site increasing in width westwards. An area of amenity space is provided to the southern part of the site, this is currently used as amenity space for the existing flats and for bike storage. There is an infill extension at ground floor between Willow Lane and Halifax Old Road.

The site is adjacent to Halifax Old Road and also Willow Lane. Bradford Road is located to the further east of the site with which both Halifax Old Road and Willow Lane share a junction. There are parking restrictions on the highway surrounding the site which do not allow for any waiting / parking on the street to the highways which adjoin the site.

Description of Proposal

The application is seeking planning permission for alterations to convert the former ground floor pub into two flats. At present in the building there are two flats at first floor level and one flat at ground floor level. also at ground floor level there is a café/restaurant.

The two flats proposed are to the ground floor where the café/restaurant currently is. They would both be accessed directly off Halifax Old Road, one of these accesses is existing and one would be created where a current window is. The only other external changes are a new entrance door to the basement on the Willow Lane elevation. One flat would have 2 bedrooms and the other flat would have one bedroom. each flat would also have a lounge/kitchen, bathroom, and store (the flat with one bedroom would also have a study).

History of Negotiations

No negotiations/amendments were deemed necessary.

Relevant Planning History

2024/90001 - Discharge conditions 8 (Acoustic Barrier), 14 (collection of wastes), 15 (cycle parking) on previous permission 2022/92614 for change of use of former public house to form cafe/restaurant on ground floor and 3 flats on ground and first floor consisting of 1 one bed and two person dwelling and 2 one bed and one person dwellings – Discharge of conditions approved.

2022/92614 - Change of use of former public house to form cafe/restaurant on ground floor and 3no. flats on ground and first floor consisting of 1.no one bed and two person dwelling and 2.no one bed and one person dwellings – Conditional Full Permission.

87/03067 - Re-positioning of entrance door and new porch – Granted Conditionally.

Representations

The application has been advertised by site notice and on the web. Final publicity expired on 21st November 2025.

No representations were received.

Consultation Responses

KC Highways Development Management – No objections.

KC Environmental Health – No objections.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 within a Local Centre (Hillhouse, ref: LCB21) as identified within the Kirklees Local Plan. The site is also within an area identified by the Coal Authority as being at risk of ground movement as a result of former mining activity and an area with a known presence of bats

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP13 – Town centre uses
- LP15 – Residential Use in Town Centres

- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP28 - Drainage
- LP30 – Biodiversity and geodiversity
- LP48 – Community facilities and services
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1. Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework.

Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

Community Facility

The building previously served a café where the two new flats are proposed. Policy LP48 of the Kirklees Local Plan sets out that the loss of such facilities can only be considered acceptable where it can be demonstrated that there is no longer a need for the facility and all options including scope for alternative community use have been considered or the use is no longer viable. The policy further sets out that, in addition, the loss of such a facility can be considered acceptable where there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location or an alternative facility of equivalent or better standard will be provided. The applicant has outlined within their Design and Access statement that:

“The existing building known as Slubbers Arms has existing ground floor which is empty and was approved (20200/92614) as Change of use of former public house to form cafe/restaurant on ground floor with 3 flats on first floor consisting of 1.no one bed and two person dwelling and 2.no one bed and one person dwellings. But ground floor not converted into Café/restaurant and is been vacant. First floor already converted into three self-contained flats. Approved Ground floor is currently remains shut and unoccupied and client want to change into 2 self-contained flats.

It is noted that there are several pubs, restaurants, cafés, ice cream parlours within 1.0 miles walking distance from Slubbers Arms Pub serving a diverse community. The Railway Inn public house currently open and trading and the

Harp Inn are approx. 450m and 580m along Bradford Road to the north of the proposal. The building is not presently registered as an asset of community value.

Given the distance of other public houses in proximity to the site, and the fact these are operational, it is considered it would be unreasonable of the LPA to consider that criterion (c) of policy LP48 (which requires there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location) is not being complied with in the event of any grant of permission. There are currently three public houses all within 0.5km of one another, taking account the fact the ground floor where the flats are proposed has been vacant since 2020 / 2021, and the alternative provision which is in place in the locality, in this case it is considered that refusal on the grounds of loss of a community facility, could not be substantiated.

Housing Supply

It is appropriate to consider the Local Planning Authority's overall housing position.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

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

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Policy generally seeks to support residential development upon unallocated sites. The requirements of Policy LP13 are that commercial units in Local Centres should be for the provision of top-up shopping and local services particularly food and drink. Policy LP15 relates to the provision of residential

development within town centres, with parts a and c of this policy being relevant in relation to the principle of development. These parts of the policy state that residential development should be to upper floors and allow for town centre uses to ground floors. However, it also states that this is in order to not prejudice existing establish uses however as mentioned previously; there are currently three public houses all within 0.5km of one another, taking account the fact the ground floor where the flats are proposed has been vacant since 2020 / 2021, and the alternative provision which is in place in the locality, in this case it is considered that refusal on these grounds could not be substantiated.

Thus, residential development at the site could be acceptable in principle. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. As the proposed development is for the conversion of an existing section of a building into two flats, it provides a higher housing density than that required by LP7 and therefore the quantum of development is considered to contribute positively towards the councils housing requirements, subject to ensuring the proposal does not result in over development which will be assessed in residential amenity section below.

In respect of the above, the principle of converting this section of the building into two residential flats is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby it provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

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

There is little external amendment to the building proposed as part of the application, with only the addition of a single access door on the Halifax Old

Road elevation which will match the existing access door on this elevation. This is not considered to represent any significant visual harm.

No details relating to artificial lighting have been provided as part of this application. The visual impact of the development could be significantly increased as a result of artificial lighting being implemented to the building. It is therefore recommended that should planning permission be granted a condition could be imposed which requires details of artificial lighting to be agreed and implemented.

It is therefore considered that the proposed dwelling would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD and Chapters 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policies LP15, LP52 and LP24 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework seek to ensure development has an acceptable impact upon the amenity of neighbouring 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. Principle 17 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The proposed flats would have the following floor spaces:

- Flat 1 (1 bedroom flat) – 50 m²
- Flat 2 (2 bedroom flat) - 62 m²

One bedroom dwellings over one storey are required by the NDSS to have a minimum of 39m² for 1 person or 50m² for 2 people. Two bedroom dwellings over one storey are required by the NDSS to have a minimum of 61m² for 1 person or 70m² for 2 people. It is considered appropriately worded conditions could ensure that flat 2 is not oversubscribed by ensuring it is two bed and three person. On the basis of the inclusion of the recommended condition, it is considered that the proposal would be acceptable having regard to the requirements of the NDSS and principle 16 of the Housebuilders Design Guide SPD.

In terms of overlooking it is noted the building is 14m from the side of no.133 Bradford Road and also 14m from the front of properties to the south (1 – 5 Willow Lane). Given the existing relationship between the properties and use of the first floor for residential use and part of the ground floor as residential and part public house it is considered that the proposal would not significantly increase overlooking than the existing use of the site. The proposal does not detail any building works and would have a neutral impact in terms of oppressiveness / overshadowing.

No details in relation to artificial lighting have been submitted as part of this application. It is therefore recommended that a condition is included upon any grant of permission requiring a scheme detailing lighting to be installed, in the event lighting is intended to be installed given that unsympathetic or poorly installed lighting could have a detrimental impact to neighbouring occupiers.

In conclusion, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The submitted plans detail a storage area for cycles, adjacent to the amenity space for users of the flats. This area is separated by an entrance path with an area for bin storage for the flats on the opposite side within the front yard area. The bin and cycle storage areas, and the amenity space area, is behind an existing 1.8m high fence.

The fence screens existing waste storage areas. There is no off street parking provided currently on site and it is not likely any could be provided in any case.

The existing use of the site would lead to a level of traffic generation from residential occupiers and users of the site. K.C. Highways have been informally consulted and stated that the site is in a highly accessible and sustainable location, with very good public transport links by bus. There are existing restrictions in relation to on street parking around the site, with the ability for control to be undertaken by the Council under separate legislation should indiscriminate parking be undertaken in the locality.

Waste and cycle storage areas are demonstrated on plan, these being the same as those previously approved by virtue of the consent for conversion to 3 flats and a café. Whilst there would be some intensification it is not considered to be to a significant degree and adequate storage facilities would be provided in curtilage. Any approval is recommended to be subject to condition requiring the scheme to be in accordance with the submitted plans, which demonstrate the waste / cycle storage facilities within the plan.

It is therefore concluded that the proposal would not have an impact upon access and highway safety to such a degree to warrant refusal of permission in this case, particularly taking account of the realistic fall back that the site could be used for commercial / residential purposes in any event.

5 – Other matters:

Ecology

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 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimis exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

The application site has very little quality / scope to provide biodiversity opportunities. The site is, however, in an area with a known presence of bats. As such, some small scale biodiversity enhancement has been required in the previous permission for 3 flats, specifically a condition requiring the provision of 1.no bat box. Further mitigation is not, therefore, considered to be required in this case.

Drainage:

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

It is considered likely the existing drainage infrastructure would be utilised to serve the development. Whilst the proposal would somewhat increase the use from the operation of the site in the past, it is considered this would not be significant and it would be unreasonable of the LPA to require a full survey / drainage scheme to be submitted as part of this application.

The proposal is therefore considered acceptable with regard to drainage in accordance with policy LP28.

6 – Representations:

None received.

7 – Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/92904

Officer Recommendation: Approve

Conditions:

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 Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework..

3. The flat in block colour blue upon submitted plan ref 1 hereby approved shall have no more than one bedroom. This shall comprise a maximum one bed and two person dwelling.

Reason: In the interests of ensuring a high standard of amenity for the future occupiers of the development hereby approved to accord with Policy LP24 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and the policies contained within Chapter 12 of the National Planning Policy Framework.

4. The flat in block colour orange upon submitted plan ref 1 hereby approved shall have no more than two bedrooms. This shall comprise a maximum two bed and three person dwelling.

Reason: In the interests of ensuring a high standard of amenity for the future occupiers of the development hereby approved to accord with Policy LP24 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and the policies contained within Chapter 12 of the National Planning Policy Framework.

5. Before the installation of any external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- e) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity to accord with policy LP24 and LP52 of the Kirklees Local Plan and the policies contained within chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Any changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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 work may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan and Floor Plans	1	-	27/10/2025
Elevations	2	-	27/10/2025
Application form	-	-	21/10/2025
Climate change statement	-	-	27/10/2025
Design and access stamen	-	-	21/10/2025

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

