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:	**2025/62/92921/W**
Site Address:	123, Trinity Street, Huddersfield, HD1 4DU
Description:	Change of use from dwelling (Use Class C3) to welfare drop in facility (Sui Generis) (within a Conservation Area)
Recommending Officer:	Edward Cheseldine

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 11 February 2026

Officer Report

2025/92921 - 123, Trinity Street, Huddersfield, HD1 4DU

Site Description

The application site is part of a residential building formed of a side elevation projection, constructed of stone exterior walls and slate roof. It is set back from the principal elevation of the villa building. The application site has an existing pedestrian access formed through stone gate piers. There is no parking area attached to the building. The property faces onto Trinity Street.

The application site is located in the Greenhead Park / New North Road Conservation Area.

Description of Proposal

The applicant is seeking permission for a change of use from residential (C3) to a welfare facility (sui generis).

The facility proposed will be used to provide remote staff with a place for work breaks and amenity during operational hours. Floor plans indicate a modest kitchen and bathroom area.

Hours of use will be from 8:00 am – 6:00 pm Monday to Friday.

External alterations are not proposed. The change of use is not considered to present a material change to the character or setting of the Conservation Area, therefore there will be no impact to the historic environment.

Amendments / Negotiations

None required.

Public Representation

The application was advertised by way of a site notice which expired on 08 January 2026. No representations were submitted.

Consultation Responses

KC Highways DM – Verbal comments received. No objection. Raised comments in relations to change of bin management to private collection.

KC Environmental Health – Verbal comments received. No objection. Recommended a condition to restrict the hours of use in order to limit noise disturbance during noise sensitive hours.

Relevant Planning History

97/91143 – Conversion of 3 houses to HMO to 13 flats – Permission granted

2024/91414 - Replacement guttering, rainwater pipes and insertion of roof light windows (within a Conservation Area) – Permission granted

Policy & Legislation

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

The site is located in the Greenhead Park / New North Road Conservation Area on the Kirklees Local Plan proposals map.

Kirklees Local Plan:

- **LP 1** – Presumption in favour of sustainable development
- **LP 2** – Place shaping
- **LP 7** – Efficient and effective use of land and buildings
- **LP 20** – Sustainable travel
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & Geodiversity
- **LP 35** – Historic Environment
- **LP52** – Protection and Improvement of Environmental Quality

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 8** – Promoting Healthy and Safe Communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 15** – Conserving and enhancing the Natural Environment
- **Chapter 16** – Conserving and enhancing the Historic Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Development (Version 5, October 2020)
- UK Government Biodiversity Net Gain Advisory Note (2024)

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) Environment Matters
7) Conclusion

Principle of 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 assessed.

The site is located in the Greenhead Park / New North Road Conservation Area on the KLP Policies Map. Policy LP2 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 below..."

The change of which is not considered to impact the setting of the designated heritage asset. Nevertheless, an assessment has of relevant policy has been made below.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In respect of the Greenhead Park / New North Road Conservation Area, there are no external changes to elevations of the building therefore the character of the conservation area will not be affected.

Paragraphs 212 – 215 of the NPPF are clear, that where development leads to substantial harm, it is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Harm will not arise from the change of use as there will be no external changes, a material change will not occur due to the change in use types.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of minor development, Policy LP24 of the KLP is relevant and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, highway safety and environmental matters.

<u>Impact on Visual Amenity</u>

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 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.”

Policy 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 will be no visual changes to the site, therefore there will be no impact to visual amenity, complying with Policy LP24 of the Kirklees Local Plan.

<u>Impact on Residential Amenity</u>

LP24 b), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. LP52 seeks, amongst other things, to ensure noise and emissions resulting from developments are acceptable.

In terms of privacy, the change of use will introduce a commercial orientated nature to the site which will be limited to times when workers require respite

between 8:00 am – 6:00 pm Monday to Friday. When considering the overall floorspace of the building, there is limited scope for numbers to exceed a reasonable capacity. Privacy would only be impacted by comings and goings of workers when they access the building at fleeting moments.

In terms of noise there are presently adjoining residential neighbours. Whilst it is not anticipated that the use of the building will result in a noise impact which will be to the detriment of neighbours, considering there are residential properties adjoining the site to limit the impact from general disturbances, it is considered necessary to limit the use of the building to between 8:00 am – 6:00 pm Monday to Friday.

Subject to the recommended condition, it is considered the change of use will comply with policy LP24 & LP52 of the Kirklees Local Plan.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Permission is sought for a change of use to an existing building, and there are no parking spaces within the site proposed.

Advice has been sought from KC Highways, who raised no concerns in relation to the change of use.

Trinity Street is a single-carriageway road with parking spaces to the side. Parking on Trinity Street is restricted to permit holders or 1 hour slots. The number of visitors to the building is considered to be low and turnaround times frequent. Given the restrictions on Trinity Street and use of the building, it is not considered that the change of use will use a result in a detrimental impact to the existing highway network.

It is noted that the building will currently benefit from Council householder residential waste collection services. As the use will change to a commercial building, the applicant should be notified that Kirklees Council will not collect commercial waste and a new private provider should be sought. Access to the rear of the site will remain, bin stores should be kept away from the streetscene in the location bins are stored at present.

Environmental Matters

BNG / Ecology

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 *di minimis* exemption as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024.

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.

The application is for a change of use where habitats will not be affected, it is not considered a habitat uplift will be require in this instance.

Carbon Budget

The proposal is a small-scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Conclusion

This application for a change of use at 123 Trinity Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given its acceptability in terms of the principle of development and impact to visual amenity, residential amenity, highway safety and environmental matters, the proposal is acceptable.

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

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

Recommendation **Approve**

Conditions and Reasons

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

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this

decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP7, LP20, LP21, LP22, LP24, LP30, LP35, LP52 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The use hereby permitted shall not take place outside the hours of 0800hrs to 1800hrs Monday to Friday.

Reason: To ensure that the proposed development does not give rise to the loss of amenity to residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Due to its location, a roost may be present on site. Bats are a European species under regulations within 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: 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.

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

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	P01	-	17 November 2025
Block plan	P03	-	17 November 2025
Existing grouped plans	P02	-	17 November 2025
Proposed grouped plans	P04	-	17 November 2025
Conservation / Heritage statement	-	-	17 November 2025
Planning statement	-	-	17 November 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 have, 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.