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**Report of the Head of Development Management**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 20-Apr-2017**

**Subject: Planning Application 2017/90375 Alterations and extension to convert public house to 6 no. self-contained apartments Newsome Tap, 1a, St Johns Avenue, Newsome, Huddersfield, HD4 6JP**

**APPLICANT**

S Smith

**DATE VALID**

02-Feb-2017

**TARGET DATE**

30-Mar-2017

**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Newsome**

Yes

Ward Members consulted.

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**RECOMMENDATION:**

**DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report and any added by the Committee and issue the decision**

**1.0 INTRODUCTION**

1.1 The application is brought to committee at the request of Cllr Andrew Cooper for the following reason:

“I oppose the application on the grounds of loss of amenity grounds, and impact on the highway”

1.2 The chair of sub-committee has confirmed that Cllr Cooper’s reason for making this request is valid having regard to the Councillors’ Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to the site accommodating the former working men’s club known as Newsome Tap on St. John’s Avenue in Newsome. This is a detached stone building with large two and single storey flat roof brick and render extensions to the rear, which project up to and against the rear (north east) boundary. There is an existing access to the side (north west) of the building which leads to the former bowling green site to the rear. Residential properties sit alongside the application site on St. John’s Avenue and Towngate. There is a housing office on the junction of Towngate with St. John’s Avenue and two public houses on Towngate. Listed buildings (27-31 Towngate) lie to the north of the site.

**3.0 PROPOSAL:**

3.1 The application seeks permission to alter, extend and convert the existing building to six no. 2 bed self-contained apartments. This would result in demolition of the existing single storey rear and side extensions and the provision of a new pitch roof over the existing two storey flat roof extension,

creating a gable to the rear. The proposals would also include the removal of the large openings in the south east elevation and their replacement with high level obscurely glazed openings in both side elevations. The submitted plans indicate the provision of two new dormers to the front of the existing building and the addition of roof lights in the new pitched roof.

- 3.2 Six on- site parking spaces are shown, one of which will be to the front, with bin storage to the rear along the north-west boundary. It is proposed to erect a fence along the north east boundary of the site. External finishes are to match the existing render with an artificial slate roof.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2015/92928 – demolition of existing extensions and conversion of the pub to a dwelling to a dwelling – granted Jan 2016

2015/ 91664 – Outline application for the erection of 7 dwellings, on the site of the bowling green, to the rear of the application site - Pending decision.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 28/03/17 – amendments to:
- proposed parking layout on site,
  - dormers reduced in width, and
  - re-siting bin storage from front to side of building

#### **6.0 PLANNING POLICY:**

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and in close proximity of the Newsome local centre.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Unallocated land  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
H8 – change of use to residential  
T10 – highway considerations  
T19 – parking provision

6.3 National Planning Guidance:

Chapter 6 – delivering a wide choice of high quality homes  
Chapter 7 – Requiring good design  
Chapter 8 – Promoting Healthy Communities  
Chapter 11 – conserving and enhancing the natural environment.  
Core Planning Principles

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 A total of four objections have been received on the application. The concerns of which are summarised as:

- Highway safety issues and on street parking would be increased by additional vehicles and exacerbate concerns at the congested junction of St James Avenue and Towngate.
- Inadequate proposed parking provision on site
- Existing side access inadequate for service vehicles
  
- Minimal external amenity area for future residents
- Loss of light to existing properties/sites
- Apartments/proposals out of character with area
- Privacy & security for existing neighbours should be maintained
- Appropriate fencing to be provided
- Comments made in relation to land (former bowling green) outside the application site

In addition Cllr Julie Stewart-Turner has raised a number of concerns about this application stating:

- *I think there is insufficient space for vehicles, for the proposed 6 apartments.*
- *I think there isn't enough room for vehicles to turn on site.*
- *I think the proposal will be out of keeping with the streetscene*
- *The applicant cannot encroach on the old bowling green, even if he's removed it, the site is covered by a covenant, which means he can't do anything other than bowling on the land, and we won't agree to the covenant being lifted.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

K.C. Highways Development Management – support subject to conditions

### **8.2 Non-statutory:**

K.C. Environmental Services - support subject to conditioning the inclusion of an electric vehicle charging point

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### **10.1 Principle of development**

This application seeks change of use from a public house to residential use to provide six apartments and demolition of existing extensions, erection of gable and roof extension including alterations to the building. The general policy for the change of use of a building to residential is outlined in policy H8 of the UDP. This policy supports the change of use, subject to the impact on employment, environmental, amenity and traffic considerations. This is reiterated under Policy D2 which is also of relevance given the site has no specific allocation.

10.2 It is noted the principle of change of use of the existing building to one dwelling house has recently been granted under application no. 15/ 92928 in January 2016. At the time Officers considered that the loss of former workings men's club would not reduce or hinder the community in meeting its day to day needs, in accordance with the paragraph 70 of the NPPF, given other public houses existed in close vicinity of the site. Whilst it would be desirable to try to retain existing community facilities, it is recognised that this property is vacant and work appears to have commenced on site to implement the 2015 permission. This, together with the surrounding uses being predominantly residential and the fact the site is within close proximity to Newsome local centre, means the change of use in principle remains acceptable.

10.3 The proposals would contribute and provide additional housing at a time when the Council is unable to demonstrate a five year supply of deliverable housing sites. Paragraph 14 of the NPPF states that where "relevant policies are out of date" planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in this Framework indicate development should be restricted". It is

therefore considered that, unless it is judged that there are any adverse impacts of granting permission that would outweigh the benefits, that the proposal should be approved. The assessment below will take into account the impact of the current scheme on environmental, amenity and traffic/highway considerations.

#### 10.4 Urban Design issues

Physical alterations to the building would result in the demolition of the existing single storey side/rear extensions and the removal of one chimney stack. There would also be a new pitched roof over the two storey flat roof extension, removal of existing signage and replacement of large openings in the south east elevation with smaller high sill openings. The alterations proposed are considered to be a visual improvement to the large mass of unsympathetically designed extensions that currently exist at the site.

10.5 At the request of Officers, the plans have been amended reducing the width of the proposed dormers to the front. This would ensure they follow the symmetry and appear more proportionate to the existing openings on the principal elevation of this building. The extension and addition of new pitched roof would be constructed in materials to match the existing facing materials. The dormers are stated to be clad in vertically hung slates to match the existing roof. This is would be sympathetic and in keeping with the character of the host building. However, notwithstanding the submitted drawings, officers are of the opinion the roof lights should be flush with roof slope to improve the visual amenity of the area, character of the host building and to preserve the setting of the nearby listed buildings. Should Members be supportive of the scheme, a condition can be imposed to such affect along with details of all boundary treatment to be submitted and agreed in writing by the Local Planning Authority. Turning to the replacement of existing large openings with smaller new openings with UPVC frames, this is considered acceptable within the context of the application site.

10.6 The submitted plans also indicate the reconfiguration and enlargement of the existing ramped entrance to the front. This will be confined to front garden and set behind the front boundary wall. The proposals would result in a positive impact on the appearance of the host property and the wider visual amenity of the area. The demolition of the existing single storey extensions to the side and rear and addition of a pitch roof to the two storey extension to the rear would improve the visual amenity of the area and host building whilst having a negligible impact on the significance of the nearby listed buildings to the north, thereby preserve its setting. The proposals would accord with Policies D2, H8, BE1 and BE2 of the UDP as well as guidance within the NPPF.

#### 10.7 Residential Amenity

In considering the impact on amenity in addition to Policies D2 and H8 of the UDP, Policy BE12 sets out recommended distances that should be achieved between existing and proposed dwellings.

- 10.8 With the removal of the existing single storey extensions, there would be a reduction in footprint of the building on site thus creating a more open aspect to no. 7 St. John's Avenue, this being the nearest dwelling to the south east. The addition of an extension above first floor level and new pitch roof over would maintain the existing separation distances from the neighbouring properties. With regards to the resultant increased massing and height of the new roof, this is designed to slope away from the neighbouring sites. Given the juxtaposition to these neighbouring sites, together with the separation distances to be maintained the addition of the new roof is unlikely to cause any undue detrimental impact on the residential amenities of the neighbouring properties.
- 10.9 Furthermore, the removal of the existing large openings in the south east and north-west side elevations would remove any overlooking and loss of privacy from these openings, should the existing building be brought back into use. This is because they would be replaced by smaller high level openings incorporating obscure glazing at both ground and first floor levels and serving non-habitable accommodation. Subject to conditions restricting these openings to remain obscurely glazed, high level together with withdrawing permitted development rights for any further openings in the side elevations, officers are satisfied the proposals would not have a detrimental impact on the amenities of the neighbouring properties to either side of the building.
- 10.10 To summarise the separation between neighbouring properties would remain the same. The removal of the large openings and single storey rear extension would improve the outlook from no. 7 St Johns Avenue and subject to appropriate conditions their amenity would be improved in comparison to the current situation.
- 10.11 With regards to the amenities of the future occupants of the apartments, they would benefit from a reasonable and open outlook from habitable room openings to be provided in the principal elevations receiving a good level of natural light. The amended layout plan provides car parking, ramped access and bin storage for future residents but would not provide external amenity areas. It is not unusual for apartment schemes in urban areas to be provided without external amenity areas. Within the footprint of the site it would not be possible to include an amenity area without reducing off-site parking. It is considered that the lack of amenity space would not lead to a poor standard of amenity for future residents. As such the proposed scheme would comply with the core planning principle of the NPPF and overall, the proposals are acceptable in terms of residential amenity and accords with Policies D2 and H8 of the UDP.
- 10.12 Highway issues  
UDP policy T10 sets out the matters against which new development will be assessed in terms of highway safety and Policy T19 sets out the provision of off street parking requirements.

10.13 The site lies in a sustainable location in close proximity to Newsome local centre, with facilities in close walking distance from the application site. The proposals would utilise an existing vehicular access to the side of the building and as amended provide six on site car park spaces. The car park layout is amended to allow better manoeuvrability and access to the proposed car park spaces within the site.

10.14 In terms of highway safety, Highway Officers on assessment of the revised plan, are satisfied with the use of the access proposals to the site, given this is already an access point and would have a width of 4.5m, as well as the internal parking arrangements. In addition it is considered, when compared to the traffic generation in association with the previous use of a working men's club, the proposals for six apartments are unlikely to create or materially add to highway safety issues, in a location where on street parking also exists and appears to be unrestricted. Taking into consideration the location and use, the proposed development would be acceptable and comply with policies T10 and T19 of the Unitary Development Plan.

10.15 Representations

Insofar as they are not addressed in the appraisal:

- Comments made in relation to land (former bowling green) outside the application site  
Response: noted, however not relevant to this application

Cllr Julie Stewart-Turner has commented about the existence of a covenant on the adjacent bowling green site. This land falls outside the application site. However, the presence of a covenant on the land is not a material planning consideration that can be taken into account in the assessment of a planning application. Rather this would be a private matter for the parties involved to address separately.

10.16 Other Matters

**Bats:**

The application is accompanied with the same bat survey as the previous application, dated 4<sup>th</sup> November 2015. This states no bats were found to be present on the site. In light of this a condition is considered appropriate for the provision of a bat box in the gable end to the rear to enhance biodiversity interest and to accord with advice in the NPPF .

10.17 **Bin storage:**

The revised plans indicate the bin storage to be provided along the northern part of the site. This is considered a more suitable location than initially proposed, within the front curtilage and would alleviate any potential environmental health concerns to the neighbouring properties.



### **10.18 Electric charging point:**

Paragraph 109 of the NPPF states that “the planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution” Therefore, on small new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

## **11.0 CONCLUSION**

11.1 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.

11.2 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.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)**

1. 3 year time limit for commencement of development
2. Electric vehicle charging point
3. Boundary treatment
4. Bin storage details
5. Formation and retention of parking
6. Retention of high level windows with obscure glazing
7. Rooflights to be flush with the roof
8. Dormers to be clad in slates to match the main roof
9. Provision of bat box.
10. Withdraw PD rights for any openings to side elevations

### **Background Papers:**

Application and history files – as stated above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90375>

Certificate of Ownership –:

**Certificate A signed by agent.**