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:	2017/62/91417/W
Site Address:	4, Macaulay Street, Huddersfield, HD1 2JY
Description:	Change of use of basement to C4 (drinking establishment) use, erection of canopy to rear yard and rear extension (Listed Building)
Recommending Officer:	Nick Hirst

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 10-Oct-2017

Application: 2017/62/91417/W

Site: 4, Macaulay Street, Huddersfield, HD1 2JY

Proposal: Change of use of basement to C4 (drinking establishment) use, erection of canopy to rear yard and rear extension (Listed Building)

Site Description

Located within Huddersfield Town Centre, no.4 Macaulay Street is a three storey building faced in stone with slates on the double pitched roof. The building is Grade 2 Listed and until recently housed Armitage Sykes solicitors. Since their departure in 2015 the building has been vacant however it is now undergoing works to implement permission 2016/62/91587/W to convert it to a wine bar.

The building fronts onto a pedestrian area. To the rear is Threadneedle Street. The building is attached to no.6 Macaulay Street, which hosts the Plumbers Arms public house with a residential flat above. On the other side is a multi-storey office building. To the rear, across Threadneedle Street, is a four storey student accommodation building.

Description of Proposal

The basement and ground floor is to be converted to an A4 use. The first and second floors are to be converted to a C1 use. Both changes require internal alterations.

2016/91586 approved previously the change of use of the ground floor to A4 and the first and second to C1. 2016/91586 did not include the basement conversion to A4.

The extension is to be sited centrally on the rear extension, and will project 7.3m at ground floor, 4.3m at first floor and be 3.2m wide. The first floor and ground floor only section are to have flat roofs.

The front elevation of the ground floor is to be faced in stone and will adjoin to the existing boundary wall. The first floor and side elevations are to be faced in render.

The canopy is to cover a floor area of 3.6m x 6.3m. It is to have open side elevations and a glazed roof, with a maximum height of 4.4m.

Relevant Planning History

<u>Armitage Sykes, 4, Macaulay Street,</u>

2016/91586: Listed Building Consent for erection of three storey extension and internal works – Conditional Full Permission (Implemented)

2016/91587: Erection of three storey rear extension, alterations and change of use to form ground floor A4 (drinking establishment) use and first/second floor C1 (bed and breakfast) use (Listed Building) – Conditional Full Permission (Implemented)

2017/91418: Listed Building Consent for erection of rear ground floor extension to wine bar and rear staircase extension – Ongoing

Thatchers Furnishings Ltd, 1, Threadneedle Street, (site adjacent, north)

2012/92391: Alterations to convert existing commercial building to 40 bedroom student accommodation (Listed Building) – Conditional Full Permission (Implemented)

6-8, St Peter's Street (similar development within Huddersfield Town Centre)

2014/92156: Alterations to convert existing building to 33 dwellings, external alterations, erection of glass stair tower to the rear of the building and the landscaping of the pedestrian space (Listed Building within a Conservation Area) – Conditional Full Permission (Implemented)

History of Negotiations

The case officer expressed concerns to the applicant in regards to the design of the extension. This led to a meeting between the case officer and the applicant, where the route of the concerns was discussed. This resulted in amended plans being submitted which were deemed to overcome the concerns. This required a change in description, which was agreed between officers and the applicant.

Representations

Final publicity date expired: 07.06.2017

No public representations were received.

Consultation Responses

K.C. Pollution and Noise: No objection, however suggested advisory note.

The Coal Authority: No objection subject to condition.

Police Architectural Liaison Officer: An informal discussion was held. No objection.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Unallocated on the UDP Proposals Map.

The site is Unallocated on the PLP Policies Map, within the Huddersfield Town Centre Boundary.

Kirklees Unitary Development Plan

- **G6** – Contamination
- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE23** – Crime prevention
- **EP4** – Noise sensitive development
- **T10** – Highway safety
- **T19** – Parking standards
- **B1** – Business and industry: strategy
- **B4** – Change of use of land and buildings last used for business or industry
- **B5** – Extensions to business premises
- **S1** – Shopping and service uses: strategy
- **S11** – Service uses
- **TC1** – Huddersfield Town Centre Strategy
- **TC20** – Huddersfield Town Centre Buildings of Character

Kirklees Publication Draft Local Plan: Submitted for examination April 2017

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place sharping
- **PLP3** – Location of new development

- **PLP13** –Town centre uses
- **PLP17** – Huddersfield Town Centre
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP35** – Historic Environment
- **PLP52** – Protection and improvement of environmental quality
- **PLP53** – Contaminated and unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Paragraph 17** – Core planning principles
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 2** – Ensuring the vitality of town centres
- **Chapter 7** – Requiring good design
- **Chapter 8** – Promoting healthy communities
- **Chapter 11** – Conserving and enhancing the natural environment
- **Chapter 12** – Conserving and enhancing the historic 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

<u>1 – Principle of development</u>

1.1 – Sustainable Development

NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 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 (Para.8).

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 14 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.

1.2 – Land allocation

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states;

> *'Planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice* [a specific set of considerations]'

All these considerations are addressed later in this assessment.

Consideration must also be given to the emerging local plan. The site is without notation on the PDLP Policies Map. PLP2 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 site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

1.3 – Change of use

The proposal includes both a business (C1/Bed and Breakfast) and service (A4/drinking establishment) use. However this has been approved, and implemented, through applications 2016/91587 and 2016/91586. It is noted that the proposal includes the basement changing use to A4. However this does not impact upon the previous assessment, with the basement being including in the A unit not being objected to.

While the PDLP has become a material consideration since the approval of these applications, as the development has been commenced it is not considered justifiable to object to this. Nonetheless the PDLP does not contain policies which would oppose the proposed change.

<u>2 – Impact on visual amenity</u>

The building is Grade 2 Listed. Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for

development which affects a listed building or it's setting the LPA should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The impact upon the host building as a heritage asset has been fully assessed within this application's associated Listed Building Consent, ref: 2017/91418. In summary it is concluded that the proposal will not result in material harm to the heritage value of the listed building.

Consideration must be given to the design of the extension and how it relates to the host building and the character of the wider area from a general built development perspective.

The front of the extension will be stone at ground floor and will adjoin the existing boundary wall. Structures built close to the highway are not out of keeping in the immediate vicinity. This includes the boundary wall the extension is to join, which is 2.4m at its greatest height. Additional Threadneedle Street is partly formed by an alleyway between buildings that front onto the Highway. Therefore, taking into account these characteristics, it is not considered that the structure would either overdevelop the site or cause undue visual overbearing within the streetscene. By being stone at ground level, with a basic design the extension will have a utilitarian base in keeping with the host building's functional rear elevation.

The first floor includes modern design elements which are not in keeping with the host building. However this was also the case for the extension approved under application 2016/91587. As was the case for app 2016/91587, it is acknowledged that the proposed rear extension does not reflect the design of the host building, being a modern design on a historic property. Nevertheless the contrasting design is not considered harmful to the visual amenity of the host building. The form and scale remain predominately in keeping with the extant permissions. The extension does project a further 0.9m; however it will be approx.2.0m lower. It is considered that the extension would be subservient to the host building, with the form and scale being appropriate.

While the side and first floor of the extension would be rendered, as opposed to the stone of the host building's rear elevation, render is a pre-existing secondary material on the building. The use of render would re-inforce the subservience of the extension to the host building and its proposed continued use is considered acceptable as a secondary material: this is subject to a suitable colour being used, which can be secured via a condition. It is considered most suitable for the condition to be imposed on the associated Listed Building Consent. Regarding the side elevations views of these will be predominantly limited to within the site. As noted above, the side elevation of the existing building is currently rendered and this being continued is not objected to.

The flat roof is in keeping with the design of 2016/91587. While the proposal includes two flat roof sections, they are also lower than the flat roof of 2016/91587. The continued use of a flat roof is not opposed. The proposed fenestration is design to allow views through the extension to the listed

building, in keeping with the principle of 2016/91587 being a glazed extension. The proposed glazing does differ notably from that of the host building, however as has been identified the extension is designed as a modern response. Regarding the streetscene, it is noted that there are a variety of fenestration forms in the area. On balance, taking into account the above considerations and that the extension is to the rear, the proposed fenestration is not considered materially harmful to the building visual amenity.

In the context of the wider area, Huddersfield Town Centre has various examples of traditional buildings seen alongside modern ones, in addition to modern extensions to historic buildings, so much so as for the contrast to be a characteristic of the area. Furthermore the principle of a contemporary designed extension has been approved via applications 2016/91587 and 2016/91586.

The glazed canopy will be a lightweight structure with a functional design. The open sides and glazed roof will ensure that the original form of the host building will still be evident. The floor area to be covered by the canopy is considered appropriate. The height, at 4.3m, is greater than required. However any lower and it would block views of an original window. The benefit of ensuring the window is visible is considered to outweigh any harm caused through the canopy's height. Officers conclude that they do not object to the canopy's design.

The proposed extension and canopy are considered to be sympathetic additions to the host building which, while having a contrasting design, harmonises with the historic appearance of the host building. Furthermore it will not appear incongruous within the wider area. The proposal is therefore deemed to comply with Policies D2, BE1, BE2 and TC20 of the UDP, PLP24 and PLP35 of the PDLP and Chapters 7 and 12 of the NPPF.

3 – Impact on residential amenity

Surrounding residences are limited to the flat above the adjoining Plumbers Arms pub, and the student accommodation to the building's rear, no.1 Threadneedle Street.

In regards to the residential flat above the Plumbers Arms, the rear extension is set 4.0 from the shared boundary. Taking into account the high density of development within the street and the similarities of the proposed extension to that approved by 2016/91587 and 2016/91586 it is concluded that the development would not result in materially harmful overbearing or overshadowing. There will be no loss of privacy for the residents of the flat. The A4 use of no.4's ground floor will not materially impact on the amenity of the flat's occupants, as they will share no boundary walls/floors. Furthermore the flat is above an existing A4 use.

The rear extension will project towards no.1 Threadneedle Street. It will reduce the separation distance from 18.7m to 14.4m. Nevertheless the extension has a modest scale, being narrow in frame, with a flat roof and an

overall height lower than the host building. It is not anticipated to cause overbearing or overshadowing which would harm the amenity of no.1's occupiers.

Regarding the privacy of no.1's residents, the extension is to be a stairwell: the infrequent use of the stairwell will not lead to harmful overlooking. The use of the first and second floor of the main building is to change to C1, resulting in habitable room windows in no.4 Macaulay Street and No.1 Threadneedle Street facing one another at 18.7m. This could potentially lead to a loss of privacy. Nevertheless the application seeks the conversion of an existing building, with the windows already being in situ. Thus there is an existing relationship. The site is within the district's principal town centre, where development density is high, leading to closer relationships between windows being a characteristic of the area. Given the windows are in situ, and are in keeping with the established characteristics and layout of the area, it is not considered that residents will have an unsuitable level of amenity, nor have a living situation that is out of keeping with that of surrounding residents.

The ground floor use for A4 and the first and second floor C2 has been approved via applications 2016/91587 and 2016/91586. 2016/91587 imposed hours of use on the ground floor A4 use of 0630 to 2300. To ensure constancy and in the interest of amenity of surrounding residents, it is considered necessary to impose these hours of use on the basement A4 (which is to operate as part of the ground floor planning unit).

The proposed development is not anticipated to prejudice the amenity of nearby residents, nor the amenity of future occupiers. The proposal is deemed to comply with policies D2 and EP4 of the UDP, PLP24 and PLP54 of the PDLP and Paragraph 17 of the NPPF.

4 – Impact on highway safety

Policy T10 seeks to ensure that development does not prejudice highway safety or efficiency. Policy T19 outlines guidance on the number of parking spaces required by use class. As no parking spaces are to be proposed, the development would not comply with T19.

Paragraph 15.15 of the UDP relates to car parking for residential development within the Huddersfield Town Centre. It highlights that the density of development in the town centre makes it difficult for schemes involving the refurbishment and conversion to comply with T19's standards. It therefore encourages a flexible approach to the imposition of car parking standards if otherwise acceptable proposals are not to be prejudiced.

Huddersfield Town Centre has good public transport services, which link to the greater region, and with various local amenities and services. It is thus considered that the site is a sustainable location. It is noted T19 is a maximum requirement, with the preamble stating 'lower levels of provision will be appropriate where the proposed use can still operate effectively'. Given the sustainable nature of the site, this is considered to be the case. Indeed to

promote low carbon forms of transport and to discourage the use of private vehicles would assist in air quality initiatives.

Under these circumstances it is not considered that the proposal will lead to a detrimental impact upon the safe and efficient operation of the Highway Network. The proposal is deemed to comply with Policy T10 of the UDP and PLP21 of the PDLP.

5 – Other matters

5.1 – Coal legacy

The application site is in an area where there is a high risk of historic mining activity. Policy G6 of the Kirklees UDP seeks to ensure that development proposals are considered having regard to available information about contamination and instability of the land concerned and BE1 (amongst other things) seeks to promote safety. In addition it is a requirement of the NPPF paras 120-121 that the applicant should demonstrate to the satisfaction of the LPA that the application site is safe, stable and suitable for development and that planning decisions should ensure that the site is suitable for its new use taking account of former activities such as mining in the area.

A Coal Mining Risk Assessment was submitted with the application, which indicated a potential risk for development of the site, and thus made recommendations for safe development. The report was submitted for consideration by the Coal Authority, who concurs with the conclusion and recommendations of the CMRA.

The recommendations include investigatory works, prior to development commencing, and appropriate remediation if necessary. Subject to conditioning these works, if minded to approve, the Coal Authority has no objection to the proposal. These conditions are deemed to comply with the NPPF's six tests, so as to accord with Policy G6 and BE1 of the UDP, PLP53 of the PDLP and Paragraphs 120 and 121 of the NPPF. Given the importance of ensuring a safe development, and the potential impact of coal legacy, pre-commencement conditions are deemed justifiable.

5.2 – Crime Mitigation

Given the nature of the development, including an A4 use, discussions were held with the Police Architectural Liaison Officer. Nevertheless given the site is adjacent to an existing A4 use, and the operation of C1/Bed and Breakfast uses, no additional security details were considered necessary. It was suggested that a note could be imposed, with the Police Architectural Liaison Officer's contact details, if the applicant wished for further advice.

6 – Representations

No representations were 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Application Number: 2017/91417
Decision Authorisation: Delegated Powers
Officer Recommendation: Grant Conditional Permission

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapters 7 and 9 of the National Planning Policy Framework.

3. Development shall not commence on the extension approved as part of the hereby approved development until site investigation works are carried out in accordance with section 4 of the Coal Mining Risk Assessment prepared by Rogers Geotechnical Services Ltd (June 2016).
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

4. A report of findings arising from the intrusive site investigation works pursuant to condition 3 shall be submitted to and approved in writing before development commences on the hereby approved extension. The report shall include a scheme of remedial works for the shallow coal workings together with a timetable for the implementation and completion of the approved remediation measures.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 4. In the event that remediation is unable to proceed in accordance with the approved

Remediation Strategy or contamination not previously considered [in either the Coal Mining Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site associated with the approved extension (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence on the approved extension until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework.

6. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the extension hereby approved site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework.

7. The basement A4 use hereby approved shall not be open to customers outside the following hours; 0630 to 2300 any day of the week.
Reason: In the interest of preventing undue noise and disturbance and to protect the residential amenity of the surrounding properties so as to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan, PLP52 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

Note: As the site is adjacent to a public house it is advised that additional sound insulation is provided to the bedrooms to prevent noise transmission between the site and neighbours premise. Additional sound insulation may also be provided to separate the two uses within the development site.

Note: For advice on crime mitigation and prevention measures please contact Gerald Gallagher on 01484 221000.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Grouped Plans and Elevations	17.004 (2-) 001	Rev.C	07.08.2017

Plan Type	Reference	Version	Date Received
Supporting Information	Coal Mining Risk Assessment		05.05.2017
Supporting Information	Conservation / Heritage Assessment		05.05.2017

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 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers held concerns over the initial design of the proposed extensions. Discussions took place between officers and the applicant which resulted in an amended plan being provided. Based on the amended plan officers were supportive of the proposal.

Report Dated: 09.10.2017