KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2, Part 3, Changes of Use

DELEGATED DECISION FOR DISCHARGE OF CONDITION - NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE PROVISIONS

Reference no.	**2017/CL/93186/W**
Site Address	**Crown House, Southgate, Huddersfield, HD1 1DE**
Description	**Prior approval from change of use from office (B1) to dwellinghouses (C3)**
Recommending Officer	**Neil Bearcroft**

DECISION - Grant Prior Approval

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

David Wordsworth

AUTHORISED OFFICER

Date: 01-Dec-2017

Officer Report

Site Description **-** Crown House, Southgate, Huddersfield, HD1 1DE

The site forms a 10 storey office block on Huddersfield Ring Road constructed from brick with large sections of glazed windows. The building has a lower ground floor parking area which is accessed via Old Leeds Road to the east, pedestrian access is via Southgate to the west of the building, connections into the town centre can be achieved by crossing the ring road at one of the Pelican crossings. Surrounding the site to the north and east is the site of the former Huddersfield leisure centre which is currently vacant land earmarked for development. To the south is an office block, to the west is the ring road with the main part of Huddersfield Centre further to the west.

Description of Proposal

The application seeks the change of use of the building to from offices to residential to form 98 flats over 10 floors which would be a mixture of 1, 2, 3, 4 and 5 bed flats. 73 of the flats would be two bed, with 20 one bed, 1 three bed, two 4 bed and 2 five bed. 25 parking spaces would be provided at the lower ground floor level.

History of negotiations/amendments received

None

Relevant Planning History

2017/93866 - Prior approval from change of use from office (B1) to dwellinghouses (C3) – Pending consideration, proposes different layout to achieve 113 units.

Procedural Matters and Policy Context

The above described proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development Order 2015, Schedule 2 Part 3 Class O, and as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. The legislation permits the following development:

> ***O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.***

The proposal is considered to be covered within this Class, and is thus authorised subject to the restrictions, conditions and prior notification procedure outlined in Paragraphs O.1 (as amended) and O.2 (as amended).

Paragraph O.1 (as amended) stipulates that development is not permitted in the following circumstances:

(a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;	No
(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order— (i) on 29th May 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;	No
(d) the site is, or forms part of, a safety hazard area;	No
(e) the site is, or forms part of, a military explosives storage area;	No
(f) the building is a listed building or is within the curtilage of a listed building; or	No
(g) the site is, or contains, a scheduled monument.	No

In light of the above the proposal accords with the requirements of paragraph O.1 (as amended).

O.2 (as amended) stipulates the need for the developer to submit an application for Prior Notification from the Local Planning Authority. Prior Notification is required for the following considerations:

a) transport and highways impacts of the development;
b) contamination risks on the site; and
c) flooding risks on the site,
d) impacts of noise from commercial premises on the intended occupiers of the development,

Paragraph W outlines procedure for the submission, and assessment of, applications under Part 3 which require Prior Approval. Under the procedures outlined in Paragraph W, the council is required to consult relevant bodies and advertise the application by site notice.

To assess the above, relevant policies in the development plan and national planning policies will be considered.

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant 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 and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **BE1** – Design Principles
- **T10** – Highway Safety
- **T19** – Parking Standards
- **EP4** – Noise Sensitive Development
- **EP6** – Development and Noise
- **G6** – Contamination

Kirklees Publication Draft Local Plan (PDLP):

- **PLP21** – Highway Safety and access
- **PLP22** - Parking
- **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.

- **Chapter 11** – Conserving and protecting the natural environment

Representations

The application was published by site notice, final publicity date expired on 21/11/2017, no comments received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Highways DM – comments made
- KC Environmental Services – comments made and conditions suggested.

Assessment

As per O.2 (as amended) the following matters are considered in the assessment below –

1) Transport and highways impacts of the development;
1) Contamination risks on the site
2) Flooding risks on the site,
3) Noise Impacts
4) Representations
5) Other Matters
6) Conclusion

1) Transport and highways impacts of the development;

The application has been assessed by the Highways DM Officer and in relation to Policies T10, T17 and T19 of the UDP, Policies PLP20, 21 and 22 of PDLP and Policies in the NPPF.

The proposal would provide 25 vehicular parking spaces located on the lower ground floor of the site which would be accessed from Old Leeds Road utilising an existing access point. A transport assessment has been provided with the submission to detail that the proposed residential units would have no greater highway impact than the existing office use.

The site is located within a sustainable location on the edge of Huddersfield Town Centre which has good access to shops, services, employment opportunities and sustainable transport options with both a bus interchange and rail station within walking distance of the site. The provision of 25 vehicular parking spaces falls short of the standard UDP parking requirements however given the sustainable location of the site this level of parking is considered to be sufficient for the proposal. No cycle parking has been set out on the submitted plans but the submitted transport statement details that cycle parking should be provided within the development. There is capacity within the lower ground floor of the site to provide secure facilities for a number of spaces. The agent has suggested a provision of 10 spaces, however officers consider that such a low provision at approximately 10% would be unacceptable and have therefore conditioned the provision of 20 spaces representing a 20% provision. The provision of cycle storage would also support further sustainable transport options for future occupiers in terms of transport and highway impacts of the development and would accord with the requirements of Policy T17 of the UDP and Policy PLP20 of the PDLP. In

addition to encourage low emissions vehicles and to accord with the requirements of Policy PLP20 of the PDLP a condition will be attached to the decision notice to requiring the provision of no.2 (10% of parking provision) electric vehicular charging points.

With respect to refuse collection the existing access point is considered to be large enough to accommodate a 11.85m refuse collection vehicles and other small delivery vans to the site. The refuse storage area appears to be in a satisfactory location internally, however the correct size bin storage area will require careful consideration to accommodate the number of apartments. A suitable route for the bins to be manoeuvred to the refuse collection vehicle will also need indicating taking into account the size of wheelie bins required. In light of this concern a condition will be attached to the decision requiring the submission of waste collection details.

The Highways DM Officers has suggested that to encourage the use of sustainable transport options that the development should fund a package of sustainable travel measures which could include the provision of metro cards for future occupiers, and Environmental Services have advised that a travel plan should be secured for the development. These comments are noted by Planning Officers however given that the metro cards and a travel plan monitoring fee would need to be secured by a section 106 agreement, any such agreement would need to accord with the following tests:

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

In light of the above tests, Planning Officers do not considered that it is necessary or reasonable to require the metro card scheme or a travel plan for the development in this instance. This is due to the site already being considered to be located within a sustainable location where there is very good access to different sustainable travel options. It is considered that the majority of residents would already use public transport options and it is not considered reasonable to require the developer to fund a metro card scheme as this is unlikely to change these travel patterns or make them any more sustainable. A travel plan would need to be regularly monitored for it to be successful and again it is considered that a travel plan is unlikely to encourage any further public transport use given the sites location on the very edge of Huddersfield Town Centre. Furthermore it is noted that the submitted transport assessment has detailed that the proposed residential use would have no further impact in highway safety terms than the existing office use.

In conclusion subject to the provision of cycle parking and electric vehicle charging points which can be secured by condition, the proposal is considered to have an acceptable impact on highway safety.

2) Contamination risks on the site

The application has been assessed by Environmental Services in respect of Contamination risks at the site and in relation to Policy G6 of the UDP, Policy PLP53 of the PDLP and the NPPF.

No intrusive ground works would be necessary to facilitate the change of use and the site not identified as being contaminated and the LPAs mapping system. However Environmental Services have recommended the standard sweet of contaminated land conditions given that the development is for over 10 units. Whilst these comments are noted, given that there would be no intrusive ground works and that the existing use in the building as a whole is office and as a whole is proposed to change to residential, it is not considered necessary or reasonable to attach the proposed conditions. The proposal is therefore considered to have an acceptable impact in terms of contamination at the site.

3) Flooding risks on the site

The site is located within flood zone 1 which has the lowest risk of flooding. The proposed residential use would be appropriate within flood zone 1 and therefore there is no concern with respect of flooding.

4) Noise Impacts

With regard to noise the site is located adjacent to Huddersfield Ring Road which is a source of potential noise disturbance for future occupiers. The application has been assessed by Environmental Services and in relation to Policies EP4 and EP6 of the UDP, Policy PLP52 of the PDLP and Policies in the NPPF.

Environmental Services have recommended that a noise report is provided for the development to ensure that future occupiers are subject to unacceptable levels of noise disturbance. This requirement is considered both necessary and reasonable in relation to the development and will be attached as a condition.

Subject to the proposed condition, the proposal is not considered to be subject to an adverse noise impact for future occupiers.

5) Representations

No representations were received.

6) Other Matters

Air Quality
It is noted that Environmental Services have recommended that conditions are attached to the decision in relation air quality, including the provision of a travel plan, electric charging points and an air quality impact assessment. Whilst it is considered that electric charging points can be secured for the development as a transport/highway consideration, the provision of further air

quality mitigation measures are not considered to be reasonable given the limited considerations permitted by Class O development. In light this whilst such measures would usually be secured via a planning permission it is considered that they fall outside of the ability of this application to secure such measures.

6) Conclusion

In conclusion the submitted information is sufficient to determine the application's impact in regards to transport and highways, contamination, flooding and noise impacts of the proposed development.

Subject to the conditions set out above the proposal therefore complies with all facets of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class O.1 and O.2 (as amended).

Decision Authorisation - Delegated Powers

Application Number: 2017/93186

Officer Recommendation: Grant Prior Approval

Conditions and Reasons

1. The hereby approved development shall not be occupied until design details for the provision of 20 secure and sheltered cycle parking spaces have submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided before occupation of the development and thereafter retained free of obstructions and available for cycle parking.
Reason: In the interests of encouraging sustainable transport options, due to limited vehicular parking provision at the site and to accord with Policy T17 of the Kirklees Unitary Development Plan, Policy PLP20 and 22 of the Preliminary Draft Local Plan and Policies set out in the National Planning Policy Framework.

2. The hereby approved development shall not be occupied until full design details of storage and access for collection of wastes from the premises (including details of any screening/shelter if necessary) has been submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided before occupation of the development and shall be so retained thereafter free of obstructions and available for storage thereafter.
Reason: In the interests of amenity and highway safety and to accord with Policies BE1 and T10 of the Kirklees Unitary Development Plan and Policies set out in the National Planning Policy Framework.

3. Before works commence on the installation of new glazing for the hereby approved development or prior to occupation whichever is the earlier, a report specifying the measures to be taken to protect the development from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority.
The report shall:

i. Determine the existing noise climate
ii. Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: In the interests of the amenity of the future occupiers of development hereby approved and to accord with the requirements of policies EP4 and EP6 of the Kirklees Unitary Development Plan, Policy PLP52 of the Preliminary Draft Local Plan and Policies set out in the National Planning Policy Framework.

4. Prior to occupation of the development hereby approved, no.2 vehicle recharging points shall be installed in the car park of the hereby approved development. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points shall be retained. **Reason**: In the interests of encouraging low emission vehicles, and to accord with Policy PLP20 of the Preliminary Draft Local Plan and Policies set out in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	-	-	15/9/2017
Existing and Proposed Lower Ground Floor Plan	R1056-039	-	15/9/2017
Existing and Proposed Ground Floor Plan	R1056-040	-	15/9/2017
Existing and Proposed First Floor Plan	R1056-041	-	15/9/2017
Second to Ninth Existing and Proposed Floor Plan	R1056-042	-	15/9/2017
Transport Assessment	P1254	-	15/9/2017
Supporting Statement	SHF.1474.001	-	15/9/2017

Report Dated: 29/11/2017