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:	2018/62/90213/W
Site Address:	Crown House, Southgate, Huddersfield, HD1 1DE
Description:	Alterations to lower ground to create 7 apartments and external alterations
Recommending Officer:	Matthew Woodward

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.

David Wordsworth

AUTHORISED OFFICER

Date: 13-Sep-2018

Officer Report

Site Description

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 proposes the creation of 7no residential apartments in total as follows:

- 7 no residential apartments (1 bed) at lower ground floor level which would be set over two floors. The lower ground level

The lower ground floor at the rear of the building backs onto an existing car park. It is proposed to change the use of part of the lower ground floor to apartments which would outlook onto the car park area.

The application also proposes external alterations to replace the existing banded glazing with a mix of glazing/infill panels.

An application to change the use of the existing building from Office (B1) to Dwelling Houses (C3) under the Town & Country Planning (General Permitted Development) (England) Order 2015 was approved on the 4 December 2017 with application number 2017 / 93186. The extant consent included the change of use of the building 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.

A further consent was approved in January 2018 for 113 flats over 10 floors (ref – 2017/93866).

It is the applicants intention to implement the current planning application in conjunction with planning application 2017/93186 or 2017/93866.

The current application also includes additional cladding to the building and use as permitted by 2017/93186 and 2017/93866 in order to provide consistent cladding material throughout the building.

History of negotiations/amendments received

The applicant submitted a revision to the application to omit the following elements:

- 10 no residential apartments (8 x 1 bed & 2 x 2 bed) at tenth floor (roof) level.

Extensions to the existing roof increasing the height by 4m above existing roof level running the full length of the building and set down and behind an existing parapet in order to accommodate the apartments.

Relevant Planning History

2017/93186 - Prior approval from change of use from office (B1) to dwellinghouses (C3) – 98 flats

2017/93866 - Prior approval from change of use from office (B1) to dwellinghouses (C3) – 110 flats

Representations

No representations have been received.

Consultation Responses

Highways DM – Further to submission of revised plan (ref R1056-111Rev2), the proposal is now considered acceptable from a highway Development Management prospective with no specific highway conditions required.

Conservation and Design – No objection.

Biodiversity Officer – Due to the height of the building there is a significant ecological enhancement opportunity arising from previous records of nesting swift within the near vicinity. Under policy PLP 30, where opportunities exist, development is required to provide a biodiversity net gain. Conditions recommended.

Education – No objection.

Police Architectural Liaison Officer – No comments on current proposal.

Comments on previous scheme:

I still unfortunately have some grave concerns about the vulnerability to crime and disorder, particularly affecting the lower ground floor of this development as it is proposed in the application.

This relatively isolated location near to the town centre has for a long time provided easy opportunity for casual, anonymous crime and anti-social behaviour, largely hidden from passing surveillance. This situation perpetuates with a fear of crime deterring many law abiding people from frequenting the area. Whilst I appreciate that some development is needed to revitalise the immediate area, it is imperative that such development includes sufficient measures including those aimed at 'designing out crime' not only for safety and security, but also the very sustainability of the development. In this case the last thing we would want is a block of flats where people are reluctant to live because they fear for their security and quality of life. As we have discussed, the following are among concerns associated with the lower ground floor, but not entirely limited to that floor as persons entering unlawfully at that level could make their way into other parts of the building.

• Rear of the building is effectively a hidden, forbidding passageway, with no time scale known for any development taking place on the adjacent former Sports Centre site. This passageway has many of the ingredients for crime and disorder and the

fear of crime. There is clear evidence that loitering and anti-social behaviour takes place there, and I fear that occupancy of any apartments built at that level would not reduce loitering etc simply by providing more surveillance.
• Apartments at lower ground floor level along that elevation would certainly be at high risk of burglary via their windows.
• The undercroft car parking area will be vulnerable to intrusion. There is no mention of how this will be protected. Roller shutters are notorious for the length of time they take to open and close, and are often left unattended whilst still closing. This would enable unauthorised entry into the basement area, rendering the whole of the building vulnerable to criminal activity, especially in the basement, where there would be the opportunity for loitering, car crime and burglary of the flats via their entrance doors. Residents of those flats would be rightly fearful of activity going on in the basement area. I would suggest that recorded monitored CCTV (also linking back to individual flats) is a minimum requirement to provide surveillance in the basement. Such CCTV would also assist around the exterior of the entire building.
• Cycle storage needs to be in secure purpose built containers and not open racks. Cycle theft is an increasing scourge nationally, and residents would take their cycles into their flats instead of using open racks.

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
BE2 – Quality of design
BE11 – Materials
BE9 – Archaeological value
BE10 – Archaeological evaluation
BE12 – Space about buildings
BE23 – Crime prevention
T1 – Transport strategy

T10 – Highway safety
T16 – Safe pedestrian routes in new developments
T19 – Parking standards
H1 – Housing Needs of district
H18 – Provision of open space
G6 – Land contamination
EP4 – Development and noise
EP11 – Landscaping and ecology

Kirklees Publication Draft Local Plan Policies: Submitted for examination April 2017

PLP1 Presumption in favour of sustainable development
PLP3 Location of new development
PLP7 Efficient and effective use of land and buildings
PLP8 Safeguarding employment land and premises
PLP10 Supporting the rural economy
PLP13 Town centre uses
PLP14 Shopping frontages
PLP17 Huddersfield Town Centre
PLP 20 Sustainable travel
PLP21 Highway safety and access
PLP22 Parking
PLP23 Core walking and cycling network
PLP24 Design
PLP27 Flood Risk
PLP28 Drainage
PLP30 Biodiversity and geodiversity
PLP32 Landscape
PLP33 Trees
PLP35 Historic Environment
PLP51 Protection and improvement of air quality
PLP52 Protection and improvement of environmental quality
PLP 53 Contaminated and unstable land
PLP63 New open space

National Planning Policies:

National Planning Policy Framework (2018)

Supplementary Planning Guidance / Documents

West Yorkshire Air Quality and Emissions Technical Guidance
National Planning Guidance:
Planning Practice Guidance

Assessment

Principle of Development

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.

The site remains unallocated on the Kirklees Publication Draft Local Plan (PDLP). The site lies adjacent to, but outside the, town centre boundary. The site also lies adjacent to PDLP allocation MX2101 (mixed use allocation) which constitutes a cleared, brownfield site. However, given that consent exists for the conversion of the remainder of the building it is not considered that this proposal would constrain the effectiveness of the PDLP allocation.

It is noted that the application building has consent for residential development by virtue of prior approvals 2017/93186 and 2017/93866. Residential development for over 100 units has already been accepted and the proposal would increase the amount of residential development by 7 units.

The site comprises brownfield land. The NPPF encourages the use of brownfield land for development. The site also lies adjacent to the town centre boundary and close to the ring road. It occupies a wholly sustainable location in terms of access to facilities, amenities and access to non-car modes of transport.

Visual Amenity/Impact on Character and Appearance

UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Paragraph 60 of the NPPF stipulates that planning decisions should not stifle innovation through unsubstantiated requirements to confirm to certain development forms or styles, although it is proper to seek to promote or reinforce local distinctness.

The proposed window insertions at basement level to form the proposed apartments would follow the same rhythm and form of existing fenestrations within the building. The proposal also includes fixed cladding panels to be installed across the whole external elevations of the building in between window openings, that includes changes to the building to facilitate the attractiveness of residential as approved by 2017/93186 and 2017/93866. There are no objections to the proposed panels in this case given the appearance of the existing building and the fact that the cladding would assist in modernising its appearance. The proposed new build at basement level would mimic the style and appearance of the existing building. A condition is recommended requiring full details of materials and colour.

Crime Prevention

In respect of crime prevention, UDP policy BE23 states that new developments should incorporate crime prevention measures to achieve pedestrian safety on footpaths; natural surveillance of public spaces; and secure locations for parking areas. The NPPF guides that places should be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

A number of alterations have been made to the scheme to address the concerns raised by officers. The building would include a concierge service and monitored CCTV cameras are proposed externally and to monitor activities in communal areas of the building. External lighting is proposed at all entrances/exits from the building whether for pedestrian or vehicular access. Downward facing lighting is also proposed at ground floor level to improve security along the eastern elevation of the building.

Notwithstanding the above, the fundamental concern raised by officers was the location of the apartments directly facing a derelict piece of land, well away from any main public thoroughfare. Each of the apartments was to be accessed from within the basement car park. This would lead to significant issues concerning the potential for intruders to gain easy access to the main door of properties via the car park roller shutter doors. Even if that were to be controlled appropriately, the position of doors to each of the properties within a basement car park would not be conducive to promoting a sense of safety, nor would it create an attractive place for future occupiers to reside.

The applicant has amended the scheme and the proposal now offers a separate access to each of the apartments which would be fully segregated from the car park and contained within the building. Whilst it is noted that there would still be an element of vulnerability concerning the lower ground floor apartments with windows facing the derelict land to the rear; the proposed lighting, CCTV and the fact that this land would be significantly overlooked by numerous apartments on this elevation is likely to detract anti-social behaviour. It is also noted that the derelict land is allocated for mixed use development and given its edge of centre location, it is likely to represent an attractive development opportunity. On balance the proposed development is considered to comply with policy BE23 and the NPPF in respect of crime prevention and fear of crime, subject to appropriate planning conditions.

Highway Safety

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 previous prior approvals confirmed that the scheme 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 current application would reduce the parking spaces overall to 20.

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 previous consents acknowledge that 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. As part of the previous consent officers conditioned the provision of 20 cycle 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 would 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. These details were secured by condition as part of the prior approvals.

Overall, the provision of 7 additional units is not considered to result in significant additional impacts on the highway network or highway safety to require additional mitigation measures over and above those already committed as part of the prior approvals.

Residential Amenity

There would be no impact on the amenity of existing occupiers given the located of the building isolated from any other properties.

Whilst the proposed apartments would be relatively small, they would be acceptable in terms of providing sufficient internal space for future occupiers. In addition each of the apartments would look out onto a former car park area thus would obtain sufficient light and outlook.

Other Issues

There is no affordable housing requirement in this case due to the number of dwellings proposed which falls under the applicable threshold.

The Council's biodiversity officer considers that the height of the building offers significant ecological enhancement opportunity. Under policy PLP30 development is required to provide a net gain. It is accepted that that the change of use of the remainder of the building has already been permitted under a separate approval process; however, there is no biodiversity gain proposed. Therefore, a condition is recommended concerning a scheme of biodiversity enhancement in accordance with the NPPF and policy PLP30 of the PDLP.

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. The principle of development has already been accepted by virtue of previous consents to approve the conversion of the upper floors of the building. The additional units as proposed are in a location which is close to the town centre and benefits from excellent transport links.

The layout of the scheme has been amended in order to reduce the potential for criminal activities and the fear of crime. The appearance of the additional cladding panels is considered to represent acceptable design. All other matters have been adequately addressed. The application is recommended for approval subject to conditions.

Recommendation –

Grant

Decision Authorisation - Delegated Powers

Application Number: 2018/90213

Officer Recommendation: Approve subject to conditions

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, as amended by the Planning and Compulsory Purchase Act 2004.

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 BE1, BE2, BE12 and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance in the National Planning Policy Framework.

3. Details of the materials, type, colour and method of fixing associated with the proposed cladding panels shall be submitted to and approved in writing prior to the commencement works to clad the building. The development shall be carried out in accordance with the approved details and retained as such thereafter.

   Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the Publication Draft Local Plan and the National Planning Policy Framework.

4. The scheme of crime prevention measures shall be implemented in accordance with the approved document Crime Prevention Measures Statement (Rev 2) prior to the occupation of the use. Those measures shall be retained throughout the lifetime of the development.

   Reason: To create a safe and accessible environment where crime and disorder, including the fear of crime, do not undermine the quality of life of residents, or community cohesion, in accordance with Policy BE1(iii) of the Kirklees Unitary Development Plan and para 127 of the National Planning Policy Framework.

5. The hereby approved development shall not be occupied until the cycle parking spaces detailed on plan no R1056-111 Rev 7 have been installed. 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 Publication Draft Local Plan and Policies set out in the National Planning Policy Framework.

6. 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 Publication Draft Local Plan and Policies set out in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Layout	R1056-111	Rev 7	13/09/2018
Elevations	R1056-201	Rev 2	14/05/2018
Elevations	R1056-202	Rev 2	14/05/2018
Elevations	R1056-203	Rev 3	14/05/2018
Sections	R1056-211	Rev 2	14/05/2018
Location Plan	R1056-001	Rev 1	18/01/2018
Crime Prevention Measures Statement		Rev 2	11/06/2018

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 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. Amendments have been sought in order to improve the design of the scheme in the interests of crime prevention and the applicant has worked with the Council in order to facilitate such amendments.

Report Dated: 13/09/2018