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:	2018/62/93513/W
Site Address:	29, Beast Market, Huddersfield, HD1 1QF
Description:	Change of use, extensions and alterations to convert storage area to one self catering guest accommodation unit (within a Conservation Area)
Recommending Officer:	Jason Hammond

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 18-Dec-2018

Officer Report.

Reference: 2018/93513

Location: 29 Beast Market, Huddersfield, HD1 1QF

Proposal: Change of use, extensions and alterations to convert storage area to one self catering guest accommodation unit (within a Conservation Area).

Site Description.

29 Beast Market is a two storey property located within the Huddersfield Town Centre. The property is constructed in white painted render walls, with a double gabled roof form constructed in blue slate although with polycarbonate sheet roofing on the northern end. There is a flat rooftop terrace also to the east, with doors opening up on to this.

The site is located next to the Huddersfield Central Lodge, of which this application is submitted in conjunction with in order to expand the business. Buildings nearby to the site are constructed in natural stone with gabled roofs, although with varying forms. The main site for the hotel (no. 11-15 Beast Market) is a Grade II Listed Building, described as follows:

BEASTMARKET 1.5113 (North Side) Nos 11 to 15 (odd) SE 1416 NE 2/67 4.2.76. 11 2. C18. Hammer-dressed stone. Pitched stone slate roof. 2 storeys. Tall brick stacks. Gutter on cut stone brackets. 6 ranges of C19 sashes in plain raised surrounds. Rear has 1 range of 4-light stone mullioned sashes with glazing bars (ground floor one has one mullion removed), another range of stone mullioned sashes (ground floor are 5-light with glazing bars, 1st floor one 4-light with 2 mullions removed), continuous vertical staircase window over door with 6 moulded panels, and one range of C19 sashes.

Description of Proposal.

The application refers to the change of use to convert the existing storage area to be used as one self-catering guest accommodation unit, as well as associated extensions and alterations.

A timber clad dormer is proposed on the northern elevation having a length of 5.50 metres, width of 1.30 metres and height of 1.20 metres with a flat roof. A window is to be formed on the southern elevation, replacing an existing loading door. The polycarbonate sheet roof is to be replaced with matching blue slate as existing. A new staircase is proposed on the north, having a height of 2.20 metres, width of 1.10 metres and length of 5.30 metres constructed in stone.

History of Negotiations.

No known changes for this scheme.

Relevant Planning History.

Numerous planning applications have been made for this property:

2015/93410 – Change of use, extensions and alterations to convert storage area to one self catering guest accommodation unit (within a Conservation Area). Granted in 2016.

2012/93277 – Change of use, extensions and alterations to convert storage area to one self-catering guest accommodation unit (within a Conservation Area). Granted in 2012.

2009/93217 – Extension to time limit for implementing existing permission number 2006/94575 (below application). Granted in 2012.

2006/94575 – Change of use, alterations and extension to convert storage unit to one unit of self-catering guest accommodation to be used in conjunction with the Huddersfield Central Lodge. Granted in 2007.

Representations.

The application was advertised by a site notice, press notice and neighbour letters which expired on 12/12/2018. No representations were received from this publicity.

Consultation Responses.

No consultations were deemed necessary for this proposal. The proposal is not materially different to what has been previously approved and as such the comments previously received are still relevant.

K.C. Conservation gave no objection, likewise with K.C. Environmental Services (subject to previous conditions being imposed).

Policy/Legislation.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 allocated as Site TC8 (ii) on the UDP Proposals Map but is unallocated on the Kirklees Publication Draft Local Plan. The site is also designated as being situated within the Huddersfield Town Centre Conservation Area.

Kirklees Unitary Development Plan:

- **BE1** – Design Principles
- **BE2** – Quality of Design
- **BE5** – Development in Conservation Areas
- **T10** – Highway Safety
- **B1** – Business and Industry Strategy
- **B5** – Extensions to Business Premises
- **TC8** – Class B1 Uses in Huddersfield Town Centre

Kirklees Publication Draft Local Plan:

- **PLP 1** – Achieving Sustainable Development
- **PLP 2** – Place Shaping
- **PLP 7** – Efficient and effective use of land and buildings
- **PLP 13** – Town Centre uses
- **PLP 17** – Huddersfield Town Centre
- **PLP 21** – Highway Safety and Access
- **PLP 24** – Design
- **PLP 35** – Historic Environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, 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 6** – Building a strong, competitive economy
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 11** – Making effective use of land

- **Chapter 12** – Achieving well-designed places
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

1) Principle of development
2) Impact on visual amenity, including designated heritage assets
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

Principle of development:

The NPPF provides a presumption in favour of sustainable development and encourages the planning system to support sustainable economic growth. It also requires Local Planning Authorities to ensure the vitality of town centres through encouraging town centre uses, to be located within town centres.

Local policies within the Kirklees UDP and Draft Local Plan are consistent with the aims set out in the NPPF. The site is allocated as site TC8 (ii) within the Kirklees Unitary Development Plan, meaning that the site is suitable for Class B1 with Policy TC37 stating that leisure, housing, retailing and education uses would also be acceptable. The site is however unallocated in the Kirklees Draft Local Plan indicating that the site would be acceptable for a variety of uses with Policy PLP 17 setting out the focus for the Huddersfield Town Centre, and puts an emphasis on a variety of town centres uses.

The site is within the Huddersfield Town Centre Conservation Area. This means that the application is required to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. There is no Conservation Area Appraisal for the Huddersfield Town Centre area, but there is a Character Assessment in Appendix I of the Kirklees UDP, as follows:

"Major shopping and administrative area which includes St. George's Square, an outstanding public square of national importance substantially renovated in 1991/92. The Grade I listed railway station forms the dominant element in the square. Other fine Grade II buildings in commercial uses front onto the square. Ashlar stone, stone setts and flags dominate. The Town Centre contains many other fine and prominent ashlar built Victorian public

and commercial buildings especially in the northern part in a regular historic street pattern including arcades, together with older properties in the various yards and folds, and on part Georgian Queen Street. Significant public spaces include the Market Place and St Peter's Gardens, the former graveyard, alongside the Parish Church. A large area given over to railway uses includes a massive brick built listed warehouse. Modern buildings in the town centre are of varied quality."

The National Planning Policy Framework (2018) sets out how Local Planning Authorities are to determine planning applications that impact upon Conservation Areas, and in particular Chapter 16 that relates to the importance of the historic environment. Paragraph 192 sets out what LPAs are to consider when determining applications that have the potential to impact upon heritage; including the sustainability and enhancement the significance of heritage assets and putting them into viable and appropriate use, economic viability and positively contributing to local character and distinctiveness.

In terms of extending and making alterations to a property Policies BE1, BE2 of the UDP will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design. The application will also be assessed in terms of visual amenity and its impact upon the Huddersfield Town Centre Conservation Area, residential amenity, and highway safety. These considerations are addressed below.

Impact on visual amenity, including designated heritage assets:

The proposal is located on Beast Market which is located within Huddersfield Town Centre, just off from Kirkgate and in proximity to Southgate. The proposal is for the erection of a large dormer and various alterations to convert the existing storage area to one self-catering accommodation unit. The impacts that the proposal may have on the visual amenity of the area, as well as on the setting of the Conservation Area are discussed below:

One aspect of the proposal is the re-roofing of the building to replace the existing polycarbonate sheet roofing, which would be considered a visual improvement of the site. A large dormer is proposed on the northern elevation that is considered to be appropriate in terms of scale and design as it would still remain subservient and be in keeping of the host property. The dormer would only be visible from the internal yard that is associated with the hotel and would not be visible from the highway, lessening any impact of the proposal. The formation of the new doorway, staircase and balustrade on the northern elevation are also not to be of any harm upon the character of the area or Conservation Area. The steps are to be constructed in stone which will be in keeping of the building, and the door being of a matching design to

what is existing. It is to be noted that a condition shall be added to ensure the handrail and balustrade will be constructed in metal and painted black to ensure they preserve and enhance the surrounding area.

The proposed materials and design of the scheme is considered to preserve the appearance of the host property and the Huddersfield Conservation Area, complying with Policy BE5 of the Kirklees UDP and Policy PLP 24 and PLP 35 of the Draft Local Plan. The small scale of the alterations would not affect the setting of the nearby Listed Building.

Previous comments from K.C. Conservation and Design made from the previously approved applications stated that they had no objections to the scheme. These comments are still deemed to be relevant due to the plans remaining unchanged.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area, would have a neutral impact on heritage assets complying with Policies BE2, BE5 and BE2 of the Kirklees UDP, and PLP 2, PLP 24 and PLP 35 of the Kirklees Draft Local Plan.

Impact on residential amenity:

The site is located within an established hotel area, with guest houses present to the north-east of the site and the main Huddersfield Central Hotel located to the west. There are numerous properties to the south constituting typically business use, with the residential impacts here considered to be minimal when considering no visual change of the building on this elevation and the service yard separating the site from the nearby units.

K.C. Environmental Health were consulted in the previously approved applications, with these comments still considered relevant due to the proposal or site not vastly changing. They gave no objection to the scheme, with the conditions that were suggested previously to be implemented for this application. This would ensure that noise and disturbance levels are kept to a minimum and be of no impact for the neighbours.

Having considered the above factors affecting neighbouring properties and relevant policies, the proposal is not deemed to result in any significant harm upon the residential amenity. This would accord with PLP24, plp52 of the Local Plan and Policies within Chapter 15 of the NPPF.

Impact on highway safety:

The proposal would result in an extra accommodation unit which could result in an increase of car activity and the need of car parking. However, the unit will be used in conjunction with the Huddersfield Central Hotel and as such would be able to use the existing car parking facilities that are deemed to be sufficient. Therefore, the proposal is considered to have no impact on highway safety and as such complies with policies D2, T10 and T19 of the UDP and Policy PLP22 of the Draft Local Plan.

Other matters:

There are no other matters for consideration.

Representations:

No public representations were received for this proposal.

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 including the impact upon the Conservation Area. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers.

Application Number: 2018/93513

Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, to preserve the significance of heritage assets and to accord with Policies BE5, BE1, BE2 of the Kirklees Unitary Development Plan and Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan.

3. The railings of the external stairs, balusters, balustrade and handrails shall be metal and painted black. The development shall then be completed in accordance with the approved details and retained thereafter.
Reason: So as to ensure that the development preserves the appearance of the Huddersfield Town Centre Conservation Area and to accord with the aims of Policy BE5 of the Unitary Development Plan, Policy PLP 24 and PLP 35 of the Draft Local Plan and the National Planning Policy Framework.

4. Before first occupation, the developer shall provide written evidence to the Local Planning Authority to demonstrate that the following internal sound levels have been achieved in the development:

- Any single LAeq (1hr) shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.
- Any single LAeq (15min) shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.
- The LAF1 (15min) indoor shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development.

If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved shall be submitted to and approved in

writing by the Local Planning Authority before the development is first brought into use.
Reason: To safeguard occupants of the proposed development from the risk of background noise associated with road traffic noise from Southgate and entertainment uses within the vicinity of the site and to accord with Policy EP4 of the Unitary Development Plan, Policy PLP 52 of the Draft Local Plan and the National Planning Policy Framework.

5. Before the development is first brought into use, a ventilation scheme to show how habitable rooms to the property shall be ventilated without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to occupation of the development and retained thereafter.
Reason: To safeguard occupants of the proposed development from the risk of background noise associated with road traffic noise from Southgate and entertainment uses within the vicinity of the site and to accord with Policy EP4 of the Unitary Development Plan, PLP52 of the Draft Local Plan and the National Planning Policy Framework.

6. The self-catering guest accommodation hereby approved shall be occupied only in association with the use of the Huddersfield Central Lodge as a guest house falling within Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking and re-enacting that Order with or without modification.
Reason: To define the permission in the interests of highway safety and the amenities of future occupiers as the accommodation is deemed unsuitable for permanent occupation and to accord with Policies EP4 and T10 of the Unitary Development Plan, and Policies PLP 21, PLP 22, PLP24 and PLP 52 of the Draft Local Plan.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 - 18.30 hours (Mondays to Fridays), 08.00 - 13.00 hours (Saturdays) with no work carried out on Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Elevations	05/C04/12		29/10/2018
Proposed Elevations	05/C04/02F		29/10/2018
Location Plan			29/10/2018

Plan Type	Reference	Version	Date Received
Conservation/Heritage Statement			29/10/2018
Design and Access Statement			29/10/2018

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.

As submitted plans were considered to be acceptable, no changes were sought.

Report Dated: 17/12/2018