

**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: 2018/62/94181/W

Site Address: 31-37, Beast Market & 1, Southgate, Huddersfield,
HD1 1QF

Description: Alterations to convert hotel (C1) to 10 student studios
(within a Conservation Area)

Recommending Officer: Christopher Carroll

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: 19-Jul-2019

Officer Report.

Reference:	2018/94181
Location:	31-37 Beast Market and 1 Southgate, Huddersfield, HD1 1QF
Proposal:	Alteration to convert hotel (C1) to 12 Change of use, extensions and alterations to convert storage area to one self catering guest accommodation unit (within a Conservation Area).

Site Description.

The application site consists of a 2 ½ storey, gable pitched terrace building developed in the early 20th Century that 'wraps around' the Southgate (A62) – Beast Market intersection (which is closed to vehicle through traffic) and an adjoining single storey, white rendered, flat roof building to the side, a cobbled access road leading to a tarmac car park.

A Chinese Supermarket can be found at 31-37 Beast Market, whilst ancillary storage to the supermarket can be found at basement level. A residential dwelling unit is found at ground floor and basement levels of 1 Southgate. These uses would not be affected by this planning application.

This planning application relates to the conversion of the first and second floors of the 31-37 Beast Market and 1 Southgate which is currently operated as a hotel/guest house by the Huddersfield Central Lodge Hotel and has recently been purchased by the applicant.

The building is defined by natural stone, timber sash window openings and associated stone dressing detail. The roofscape is characterised by a blue slate roof, large chimney stacks and pots and arched and gable dormer windows, as well as rooflights to the rear. To the side of the building, adjacent to Beast Market the façade is defined by white render and a fire exist that connects to the first floor. Access to the building's upper floors can be gained to the rear of the building, via an external stone staircase. The building first appears on the 1922 OS map and appears to have consisted of a residential terrace of 5no. dwelling houses.

The application site forms part of a larger group of buildings, developed in the 19th and early 20th Century that provide a strong, continual street frontage along Beast Market and Southgate. These buildings are also constructed from natural stone and blue slate and are between 2 to 3 storeys in height and consist of a mixture of town centre uses. This character is juxtaposed with the character defined by the predominate late 20th century large scale buildings found across Southgate (A62).

The application site is located within the Huddersfield Town Centre boundary. There are no listed buildings within the application site but the application site

boundary adjoins a number of grade II listed buildings and falls within the Huddersfield Town Centre Conservation Area.

Beast Market is a 30mph two way single carriageway town centre cul-de-sac that provides access to a number of town centre properties including the hotel in the proposal, another hotel with parking, a food store, taxi office and a number of other businesses, pubs and bars. There are No Waiting at Any Time and Limited Waiting Mon Sat 8am 6pm TRO markings. The access to the site is via a private cobbled courtyard off Beast Market, which also provides access to the other hotel and car park.

The development site is located within an Air Quality Management Area (AQMA) No. 9 which has been declared for exceedances of the annual mean Air Quality Objective (AQO) for nitrogen dioxide (NO₂).

Description of Proposal.

The application seeks the change of use to convert the existing hotel (C1 use) to create 10no. student studios (C3 use) over the two upper floors. The Chinese supermarket and the existing residential dwelling at ground floor and basement levels would remain and be unaffected by this application. Each of the student studios would be self contained and accessed via a central hallway that connects to an existing access point at first floor level. Residents would have access to an existing outdoor roof terrace at first floor level and the existing fire exit would remain. The 6no. existing parking spaces would be retained for the use of staff and tradesperson visiting the building.

History of Negotiations.

Concerns were raised by officers regarding the size of the proposed student studios and potential issues relating to air quality, noise and lack of amenity space. Subsequently, larger student studios are now proposed and the number of student studios has been reduced from 12 to 10. Air Quality and noise assessments have been submitted and a private amenity space has been provided. Issues have also been raised regarding the red line boundary and land ownership, which have now been resolved.

Relevant Planning History.

Numerous planning applications have been made for this property:

2001/93220 - Use of yard as company car park (within a conservation area).
Granted January 2002

29 Beast Market:-

2006/94575 - Change of use, alterations & extension to convert storage area to one unit of self catering guest accommodation to be used in conjunction with the Huddersfield Central Lodge (within a Conservation Area). Granted January 2017.

2009/93217 - Extension to time limit for implementing existing permission number 2006/94575 for change of use, alterations and extension to convert storage area to one unit of self catering guest accommodation to be used in conjunction with the Huddersfield Central Lodge (within a Conservation Area). Granted January 2010.

2012/93277 - Change of use, extension and alterations to convert storage area into 1 no. Unit self catering guest accommodation (within a conservation area). Granted December 2012.

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

2018/93513 - Change of use, extensions and alterations to convert storage area to one self catering guest accommodation unit (within a Conservation Area). Granted December 2018

Representations.

The application was advertised by a site notice, press notice and neighbour letters which expired on 25/2/2019. Due to a change in the red line boundary the application was re-advertised by the same means and expired on 16/7/2019. No representations were received in either of these time periods.

Summary of Consultation Responses.

KC Highways: The application didn't contain any trip generation information but the proposals are not expected to have an impact on the operation of the local highway network. The application shows that there are 6 parking spaces provided with the development and these are to be used by staff or blue badge holder residents, with other residents restricted to loading only. Given the sustainable location of the development parking provision is at an acceptable level. It is considered that the proposal will not have an impact on the day to day running of the student residences due to the sustainable location, it may have an impact on drop off/pick up days at the start and finish of term. Due to this possible demand outstripping parking provision we would request that the applicant produces a car parking management plan that will indicate how parking will be managed on a day to day basis (allocation, users etc) and also how the additional drop off/pick up demand will be managed at term start/end times. This information should be sought through a pre commencement planning condition.

KC Environmental Health:

Noise:

The proposed development is adjacent to a busy highway and is also in close proximity to a number of town centre licensed premises. There is therefore a likelihood that noise from road traffic, entertainment and people in the street will have an adverse impact on future residents. An Ambient Noise and Building Envelope Assessment by Philip Dunbavin Acoustics Ltd dated 18 April 2019 (ref: CW/J002447/3731/01) has been submitted. The assessment predicts the indoor sound levels at the development and advises

that these are within the recommended levels, including NR20 which is relevant for the entertainment noise. These predictions are based on windows being kept closed, the report advises that the development will be mechanically ventilated and it notes that care should be taken to ensure that self-noise generated by the ventilation system does not exceed the internal noise criteria specified in the report. It is considered that the report demonstrates that the high external noise levels around the proposed development can be effectively mitigated against and is therefore not a barrier to development. However, there is some uncertainty regarding the level of attenuation that will be provided by the glazing. Table 9 in the report advises that the glazing will provide a sound reduction (R_w) of 44dB, based on a manufacturer's information. However in Table 10 it advises that the existing glazing will provide a sound reduction (R_w) of 38dB at the front of the premises and 33dB at the rear. It is accepted that the existing glazing may not meet the high acoustic specification of the quoted manufacturer's glazing system; the design and installation of secondary glazing can have a significant impact on the levels of sound attenuation it can achieve. It is however unclear why there is a different acoustic specification for the front and rear of the premises which the report says has the same glazing. We need to be satisfied that the existing glazing to the noise sensitive rooms will provide sufficient sound attenuation. In addition, detailed information regarding the proposed mechanical ventilation has not been provided, we need to be satisfied that this provides adequate ventilation, without the need to open windows, to prevent overheating in warm weather and without causing unacceptable self-generated noise. Therefore a condition requiring a ventilation scheme will be required together with a condition requiring verification that satisfactory indoor sound levels are being achieved.

A revised Ambient Noise and Building Envelope Assessment by Philip Dunbavin Acoustics Ltd dated 13 June 2019 (ref: CW/J002447/3731/02) has now been submitted. The issues we raised regarding the predicted levels of sound attenuation provided by the glazing being inconsistent in Tables 9 & 10 have now been resolved. The revised report has an amendment just to Table 10 and therefore now shows the glazing as having a predicted sound reduction (R_w) of 44dB at all façades. I consider that this report is now satisfactory. I note that in an email from Chris Wright of PDA Ltd dated 12 June 2019 he advises that in his experience self-generated noise from ventilation equipment is typically not an issue. The condition that we recommended in our response dated 30 May 2019 addressed this issue and therefore remains valid.

Air Quality:

This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and is regarded as a minor development. The development is also in an area of poor air quality and proposes to introduce relevant receptors to elevated pollutant levels. An Air Quality Assessment Report by Resource and Environmental Consultants Ltd dated April 2019 (ref: AQ107409) has been submitted and the methodology used to construct the air quality impact assessment is in line with national guidance. However, while we are satisfied with the methodology for deriving inputs for the model, we do have concern with the outputs when measured

against monitored data. It is considered that the concentrations reported in the impact assessment are under representative of the actual conditions and we anticipate the façade facing the ring road is in exceedance of the objectives. Therefore, in order to safeguard the health of future residents of this development air quality mitigation measures are required. Either of the following options would be acceptable:-

- To have a ventilation inlet for the development to the rear of the property at height, which was the solution successful utilised as part of planning applications 2011/93327 at the Palace Theatre or 2013/90650 at 44-48 Westgate
- To ventilate from any façade with the use of pollution scrubbers to remove the pollutants, which was the solution successful utilised as part of planning applications 2013/93389 at Waverly Chamber or 2012/92620 at 1a Upperhead Road.

In order to achieve the above, we will require a full ventilation scheme and details of the proposed ongoing maintenance requirements. Maintenance details are especially important if the developer chooses to pursue the scrubber option.

Contaminated Land:

The car parking area to the proposed develop in on land that is considered to be potentially contaminated due to its former use and the proposed residential use is one which is sensitive to land contamination. However, the development relates mainly to internal alterations to the existing building with any groundworks being either minor or not required. In addition it appears unlikely that all external areas will be provided with hardstanding so there will be no soft landscaped areas. Consequently contaminated land risks are considered to be low and therefore just a condition relating to unexpected contamination is required.

Conditions have been recommended in relation to Electric Vehicle Charge Points, Reporting of Unexpected Contamination, Validation Report confirming Noise Levels achieved and Air Supply to and Ventilation of the premises.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated but designated as being situated within the Huddersfield Town Centre Conservation Area.

Kirklees Local Plan (2019):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place Shaping
- **LP7** – Efficient and effective use of land and buildings

- **LP13** – Town Centre uses
- **LP15** – Residential use in town centres
- **LP17** – Huddersfield Town Centre
- **LP20** – Sustainable travel
- **LP21** – Highway Safety and Access
- **LP22** – Parking
- **LP24** – Design
- **LP35** – Historic Environment
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land LP63 – New open space

National Policies and Guidance:

The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal.

Relevant chapters are:

- **Chapter 2** – Achieving sustainable development
- **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

Since March 2014 Planning Practice Guidance for England has been published online and provides additional guidance in relation to the above chapters.

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
- 1) Heritage and visual amenity impacts
- 2) Impact on residential amenity and the operation of existing businesses
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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 Local Plan are consistent with the aims set out in the NPPF. The site is currently being used as a hotel (C1 use) but is unallocated in the Kirklees Local Plan. The site falls within the Huddersfield Town Centre boundary. The proposal for student accommodation (C3 use) would accord with clause (d) of policy LP17 of the Local Plan, which details how proposals for new development within Huddersfield Town Centre will be supported where they provide space for town centre residential living.

Policy LP15 (Residential use in town centres) of the Local Plan specifically refers to proposals for residential uses (including student accommodation) within the defined town centres. In relation to the following clauses of the policy:

- *Clause a - the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses*

The primary shopping area of Huddersfield Town Centre would be unaffected by this planning application. The residential proposals relates to the conversion of the hotel use on the upper floors, via an existing access to the rear of the building and would not prejudice the existing established Chinese supermarket on the ground and basement floors.

- *Clause b – The protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings*

As discussed in the next section of the report, proposals would ensure the protection of the character of the town centre, and the local street scene, as well as retain and enhance the design and heritage features of buildings.

- *Clause c – the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area*

Proposals would ensure the protection and retention of existing ground floor uses and the proposed tenure of the upper floors would enhance the active frontage of Beast Market and Southgate.

- *Clause d – the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality*

As discussed in the forthcoming section of the report, proposals have been revised and additional information has been submitted to now ensure the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan. The proposed residential apartment achieve the necessary privacy. Noise and Air Quality Assessments demonstrate that suitable residential accommodation can be achieved, subject to further details and mitigation measures being provided which would be secured by planning conditions.

- *Clause e – the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport*
- First floor plans show the provision of space for the storage. However, further details would be sought by way of condition to ensure that such storage would include sustainable modes of transport such as bicycles. Charging points for electric vehicles would also be sought by way of planning condition. The proposals are within walking distance of several bus stops and the Huddersfield Railway Station.
- *Clause f – the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns*

The proposals consist of 6no. parking spaces which is considered to be appropriate to the scale of the proposal. However, a condition requiring a car parking management plan is necessary to avoid any impact on the drop off/pick up days at the start and finish of term during the academic year.

- *Clause g – provision of affordable housing in accordance with policies set out in the Local Plan*

No affordable housing would be required as part of this proposal for student accommodation. A planning condition would secure such tenure.

- *Clause h – the provision of refuse storage and collection*

No details of servicing and bin storage has been provided. It is considered that there is sufficient space within the site to accommodate bin storage. In addition, given the existing site's operation as a hotel, the arrangement and location servicing should not be an issue. However, further details would be sought by way of planning condition.

Therefore, the principle for the conversion of the building into student accommodation in a sustainable location is considered acceptable. The planning application will now be assessed against the other key planning considerations, addressed below.

Heritage and visual amenity impacts:

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. Although, the Kirklees UDP has been superseded by the Kirklees Local Plan, it provides the following character assessment of the Huddersfield Town Centre Conservation Area:

“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.”

There are no listed buildings within the application site, however, there are a number of grade II listed buildings that abut its boundary. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), imposes a duty to have special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. The significance of the concerned listed buildings, which are all grade II listed are described as follows:

SOUTHGATE 1. 5113 (West Side) No 3 SE 1416 NE 2/1217 II GV 2. Early or mid C19. Ashlar. Pitched slate roof. 2 storeys. Modillioned eaves cornice. Blocking course. Continuous 1st floor sill. 2 ranges of sashes. Door with 4 fielded panels and fanlight with "showrooms" in Arts-and-Crafts stained glass lettering (now painted out). Ground floor window has similar lettering saying "George Mitchell Plumber & Electrician". Area with plain cast iron railings.

BEASTMARKET 1. 5113 (North Side) Nos 11 to 15 (odd) SE 1416 NE 2/67 4.2.76. II 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.

BEASTMARKET 1. 5113 (North Side) Nos 7 and 9 SE 1416 NE 2/153 II 2. Early or mid C19. Ashlar. Hipped stone slate. 3 storeys. Moulded eaves cornice. Continuous 1st floor sill. 3 ranges of sashes. Door with fanlight, above is wooden notice inscribed in good mid C19 lettering "Armitages" Seed & Bulb warehouse Estd 1842".

Chapter 16 of the National Planning Policy Framework (2019) sets out how Local Planning Authorities are to determine planning applications that impact upon Conservation Areas as well as listed buildings and their settings. 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 of the significance of heritage assets and putting them into viable and appropriate use, economic viability and positively contributing to local character and distinctiveness. Paragraphs 193 to 202 of the NPPF explains how to consider the potential impact on the significance of a designated heritage asset. Policy LP35 (Historic environment) of the Local Plan explains that proposal should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having wider benefits of development.

The proposals relate to the internal alterations to a building that is not listed, to enable the conversion of the upper floors of a building from a hotel use to student accommodation. No external structures or works such as replacement doors and windows are proposed. The external character and appearance of the building would remain unchanged. Therefore, it is considered that there would be no harm to any of the concerned heritage assets significance or to the visual amenity of the area. Even if it was considered that proposals would result to less than substantial harm to the heritage assets in question, it is considered that as the proposals would secure the buildings optimum viable use and would outweigh any such harm.

Therefore, there would no adverse impact on visual amenity, including designated heritage assets in line with policies LP2 (Place shaping) LP24 (Design) and LP35 (Historic environment) as well as chapters 12 (Achieving well-design places) and 16 (Conserving and enhancing the historic environment), as well as with the Listed Buildings and Conservation Areas Act 1990.

Impact on residential amenity and the operation of existing businesses:

Paragraph 127 clause (f) of the NPPF and clause (b) of policy LP24 (Design) of the Local Plan requires proposal to provide a high standard of amenity for future and neighbouring occupiers.

The site is located within Huddersfield town centre and there are a wide mix of uses within the immediate locality. These uses include, a Chinese superstore

on the ground floor of the concerned building, the Huddersfield Central Lodge Hotel to the west, a taxi office, vacant retail units, pubs and bars to the south as well as residential to the north and east.

The proposals do not include any new structures, windows or doors and the existing building is already used for accommodation, in the form of a hotel/guest rooms. Therefore, the proposed conversion of the building into student accommodation would not have an adverse effect on residential amenity in terms of overlooking, overdominance and overshadowing.

It is acknowledged that the proposed student accommodation would result in more permanent residences occupying the building and there may be an increase in the use of the existing private amenity space. However, the existing amenity space is not directly overlooked by surrounding residential uses and is relatively private. Thus, there would be no adverse impact on residential amenity.

Paragraph 182 of the NPPF is of particular relevance to this application. It explains how planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Given the location of the proposal relative to the surrounding pubs and bars found on Beast Market, it is not considered that the provision of student accommodation would not have any adverse impact on the operation nor the amenity of these or other surrounding uses. Furthermore, noise and air quality assessments have been submitted with the application and conditions are recommended to secure the necessary mitigation measures before the development is completed.

The council does not have any adopted internal living space standards for residential accommodation. Officers use the Government's Technical housing standards – nationally described space standards (March 2015) as a key material consideration in determining as to whether or not proposals accord with clause b (high standard of amenity) of policy LP24 (Design). Originally, the proposals consisted of 12no. residential apartments for students. However, officers considered that the proposed internal space standards of these apartments, particularly those at second floor would be well below the acceptable thresholds. The current revised proposals for 10no. residential apartments has resulted in an increase in proposed gross internal space standards. However, the latest plans still show that some of the apartments would still not comply with the minimum gross internal floor (i.e. 37m² for 1 bed, 1 person) and built-in storage (i.e. 1.0m²) areas thresholds.

The applicant has made officers aware of other similar recent developments within Huddersfield town centre where the council has accepted gross internal standards below the Government's Technical housing standards. The applicant has argued that such standards should not strictly apply to student accommodation as this would not be the occupants main residence. In addition, the applicant has explained that the location of the existing stairwell and plant room, as well as the building's structural limitations is further justification that such space standards cannot be met for each apartment, without compromising the proposed number of apartments and thus the viability of the scheme.

Each apartment would be self contained and have a bedroom, living-kitchen area and a bathroom. The apartments on the second floor would be accessed from the first floor via a number of stairwells. Each apartment would utilise the existing room layout which is currently used as a hotel/guest room. The layout affords well proportion apartment units at this level, ranging from 35.24m² to 40m². Furthermore, each apartment would be dual aspect ensuring that sufficient daylight and outlook is achieved. The apartments at first floor level would be accessed via a central corridor that connects to a rear external staircase. This access arrangement as well as the existing plant/laundry room has prevented a similar apartment layout to the one achieved at second floor level. The applicant originally tried to work with the same number of rooms utilising the existing hotel/guest room arrangement for the first floor level. However, the sizes of the proposed apartments were considered inadequate for the occupants that are likely to have a more permanent residence. The revised new arrangement would mean the combination of the existing hotel/guest rooms, creating a number of apartments ranging from 30.05m² to 41.15m². One of the existing hotel/guest rooms at first floor level is constrained and could not be sufficiently extended, thus this has been converted into an apartment that only measures 23.56m². Although, single aspect, each apartment would have several window openings ensuring that sufficient daylight and outlook is still achieved. Given the constraints and the nature of the proposal, it is considered that the proposed apartments would be acceptable as student accommodation.

A Noise Assessment Report has been submitted as part of the planning application and has been assessed by Environmental Health. The assessment demonstrates that the high external noise levels around the proposed development can be effectively mitigated against and is therefore not a barrier to development. However, there is some uncertainty regarding the level of attenuation that will be provided by the glazing. Officers need to be satisfied that the existing glazing to the noise sensitive rooms will provide sufficient sound attenuation. In addition, detailed information regarding the proposed mechanical ventilation has not been provided, officers need to be satisfied that this provides adequate ventilation, without the need to open windows, to prevent overheating in warm weather and without causing unacceptable self-generated noise. As such, a planning condition requiring a Validation Report Confirming Noise Levels Achieved has been recommended.

An Air Quality Assessment has also been submitted as part of the planning application and has been assessed by Environmental Health. The methodology used to construct the air quality impact assessment is in line with national guidance. However, while officers are satisfied with the methodology for deriving inputs for the model, officers consider that the concentrations reported in the impact assessment are under representative of the actual conditions and it is anticipated that the façade facing the ring road is in exceedance of the objectives. Therefore, in order to safeguard the health of future residents of this development air quality mitigation measures are required. As such, a planning condition requiring further information regarding Air Supply to and Ventilation of the premises is recommended.

Environmental Health have also made comments with regards to the proposed private amenity space stating that they have no concerns regarding the air quality implications. However the ventilation scheme required for the development (for air quality and noise mitigation) needs to take this outdoor amenity area into consideration and ensure that noise from this ventilation equipment does not have an adverse impact on this area.

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 LP24 (Design), LP52 (Protection and improvement of environmental quality) of the Local Plan and the NPPF.

Impact on highway safety:

Policy LP21 (Highway safety and access) of the Local Plan and paragraph 109 of the NPPF aim to ensure that new development do not materially add to the existing highway problems or undermine the safety of all users of the highway network. The application didn't contain any trip generation information but Highway Development Management consider the proposals to not have an impact on the operation of the local highway network.

Highways Development Management officers consider the site to be in a very sustainable location, in accordance with policy LP20 (Sustainable travel) and clause a of paragraph 110 of the NPPF. The University is approximately 500m away and the rail station within 600m and bus stops on a high frequency route within 150m. There are also a number of local and regional centre shops and services within a short walk.

The plans show that there are 6no. parking space provided with the development proposals. Although, the level of parking is considered to not have an impact on the day to day running of the student residences due to the sustainable location, it may have an impact on the drop off/pick up days at the start and finish of term. Officers have recommended a parking management plan to control this issue.

Other matters:

As the scheme compromises accommodation for student, no affordable housing or education contribution is required in this case.

Policy LP63 (New open space) requires new housing developments to provide or contribute towards new open space or the improvement of existing provision in the area. In determining the required open space provision, the council will have regard to the type of housing proposed and the availability, quality and accessibility of open space provision in the area assessed in accordance with the council's district wide open space standards. In this instance, policy and landscape officers have assessed the development proposals and considered that as the site falls within the Newsome ward, there is not a deficiency in Public Open Space, particularly Amenity Space. Also, given that the proposals are in relation to student accommodation and some private amenity space is to be provided on-site, officers consider that there would not be a requirement for a financial contribution in this instance.

On assessing the planning history of the site, it was discovered that the existing amenity space was included as a roof terrace as part of another planning application granted in December 2018 (Reference 2018/93513). This application is yet to be implemented and involves the change of use, extensions and alterations to 29 Beast Market to convert storage area to one self catering guest accommodation unit (within a Conservation Area). An on-site meeting with the applicant on Tuesday 9th July 2019. It was agreed that the current proposals for planning application reference 2018/93513 would need to be revised and that another planning application would need to be submitted, if this planning application was to be approved.

The application site falls within the defined Development High Risk Area for coal mining legacy. The Coal Authority's general approach in such cases is to require the applicant to submit a Coal Mining Risk Assessment to address the coal mining legacy as part of the development. However, certain types of development are exempt from this, including changes of use where there is no ground works are proposed. The nature of the proposals would not include any ground works and as such in this instance exempt from providing a Coal Mining Risk Assessment.

The access road and car parking area within the red line boundary is considered by Environmental Health officers to be potentially contaminated due to its former use and the proposed residential use is one which is sensitive to land contamination. However, officers considered that as the development relates mainly to internal alterations to the existing building with any groundworks being either minor or not required. In addition it appears unlikely that all external areas will be provided with hardstanding so there will be no soft landscaped areas. Consequently contaminated land risks are considered to be low and therefore just a condition relating to unexpected contamination is required.

Representations:

No public representations were received for this proposal.

Conclusion.

The proposals would represent good design in ensuring the building's optimum use, securing residential student accommodation on the upper floors of a building within a sustainable location. The proposals would relate to conversion of an existing building resulting in a number of internal works. As such, these works would not harm the character and appearance of the Huddersfield town conservation area or impact on the significance of the grade II listed buildings found on Beast Market and Southgate. The principle of development is acceptable as it is in line with policies LP15, LP17, LP24 and LP35 of the Local Plan, the NPPF, as well as with the Listed Buildings and Conservation Areas Act 1990.

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 relevant heritage assets. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers.

Application Number: 2018/94181

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 LP15, LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

3. Prior to first occupation, written evidence shall be submitted to the Local Planning Authority to demonstrate that the following internal sound levels have been achieved throughout the development including at times when the installed mechanical ventilation is operating at the setting required to control thermal comfort:-

a) No more than 35dB LAeq,16 hours between 0700 and 2300 hours in any noise sensitive rooms in the development

b) No more than 30dB LAeq,8 hours between 2300 and 0700 hours inside any bedroom in the development.

c) No more than 45 dB LAF1,15min between 2300 and 0700hrs inside any bedroom in the development.

d) No more than NR20 Leq,15 min between 2300 and 0700hrs 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 Policies

LP15 and LP52 of the Local Plan and the National Planning Policy Framework.

4. Prior to first occupation, a ventilation scheme to mitigate against poor air quality and also to provide alternative ventilation to opening windows (because windows need to be kept closed for noise mitigation measures) shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall show the following:-

- How the poor air quality in the vicinity of the development will be mitigated against by providing a satisfactory air supply for the inside the development that meets the National Air Quality Objectives
- How all habitable rooms within the development will be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.
- How the self-generated noise arising from the operation of the ventilation system will meet the indoor sound levels detailed noise related condition above and does not have an adverse impact on the proposed outdoor amenity area.
- The ongoing maintenance regime for the installed ventilation system to ensure that it continues to meet the above mentioned requirements
- The ventilation scheme required for the development (for air quality and noise mitigation) needs to take the proposed outdoor amenity area into consideration and ensure that noise from this ventilation equipment does not have an adverse impact on the newly proposed amenity area.

All works which form part of the approved scheme shall be completed prior to first occupation of the accommodation 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 policies LP15, LP51 and LP52 of the Local Plan and the National Planning Policy Framework.

5. Before any alterations to the electrical system are carried out a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To encourage the use of electric vehicles leading to the reduction of greenhouse gas emissions, supporting the Kirklees Local Air Quality Strategy

and in accordance with Policies LP15, LP17, LP21, LP24 and LP51 of the Kirklees Local Plan and the National Planning Policy Framework.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either

- (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or
- (b) the local planning authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the 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 and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

7. Prior to first occupation, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include details of the types of users to be allowed to use the parking on a day to day basis and how this will be monitored and enforced, including the use of permits, and the proposed management of the parking spaces to be used for the drop off and pick up of students and their belongings at the start and end of term/academic year. This approved Car Park Management Plan shall be implemented before the accommodation hereby approved is first brought into use, and shall thereafter be retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout safety in accordance with Policies LP15, LP21, LP22 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

8. Details of refuse and recycling storage to serve the development, together with details of access arrangements to serve the storage facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the development. Thereafter refuse and recycling storage facilities and access arrangements thereto shall be provided in accordance with the approved details prior to occupation and shall be retained as such for the duration of the permitted use.

Reason: In the interest of highway safety and good design in accordance with Policies LP15, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

9. Details of cycle storage to serve the development, together with details of access arrangements to serve the storage facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the development. Thereafter cycle storage facilities and access arrangements thereto shall be provided in accordance with the approved details prior to occupation and shall be retained as such for the duration of the permitted use.

Reason: In the interest of highway safety and good design in accordance with Policies LP15, LP17, LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

10. The accommodation and outdoor amenity space hereby permitted shall be occupied by students only, defined as persons whose main residence is elsewhere and who are enrolled on recognised full-time courses at one of the higher educational establishments in the borough of Kirklees only and for no other purpose (including any other purpose in Class C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: So as to ensure that the development is used solely for student accommodation and not open-market housing whereby affordable housing provision would be sought, different amenity standards would apply, and in the interest of highway safety, in accordance with Policies LP15 and LP24 of the Kirklees Local Plan and National Planning Policy Framework.

NOTE:

In the interest of residential amenity, the implementation of this planning application would result in planning application reference 2018/93513 becoming invalid. As such, a new application would be required for 29 Beast Market to convert storage area to one self catering guest accommodation unit (within a Conservation Area).

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.

Electric Vehicle Charge Points –

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan with red line boundary	Dated 26/11/2018		21/6/2019
Second Floor Plan – as proposed		A	21/6/2019
First Floor Plan – as proposed		B	21/6/2019
Second Floor Plan – as existing	13/C10/06		30/4/2019
First Floor Plan – as existing	13/C10/05		30/4/2019
Ground Floor Plan – as existing	13/C10/04		30/4/2019
Basement Floor Plan – as existing	13/C10/03		30/4/2019
Car Park Layout Plan	18C38-FBA-ZZ- XX-DR-A-9001- P01		20/12/2018
Supporting Statement (Farrar Bamforth Associates Ltd)			20/12/2019
D5 Covering Letter	Dated 30/4/2019		30/4/2019
Air Quality Assessment (REC)	AQ107409		30/4/2019
Ambient Noise & Building Envelope Assessment (PDA)	CW/J002447/37 31/02	2	17/6/2019

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. The case officer undertook negotiations with the applicant and in the interest of the amenity of future occupants, secured amended plans that secured larger residential dwelling units and a shared

roof terrace private amenity space. At the request of Environmental Health officers, Air Quality and Noise Assessments have been provided, which have demonstrated that the principle of residential accommodation is acceptable.

Report Dated:

19/7/2019
