
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 24-Feb-2021**

Subject: Planning Application 2018/92647 Hybrid Planning Application for mixed use development - retail/office and 239 residential units (Use Classes C3/A1/A3/B1a). Full Planning permission for the partial demolition of the former Kirklees College, erection of a food retail store with residential above and erection of two mixed use (retail/residential) buildings, alterations to convert grade ii* listed building to offices and creation of vehicular access from Portland Street, New North Road and Trinity Street. Outline application for erection of four buildings mixed use (residential/office) (Listed Building within a Conservation Area) former Kirklees College, New North Road, Huddersfield, HD1 5NN

APPLICANT

Trinity One LLP

DATE VALID

15-Aug-2018

TARGET DATE

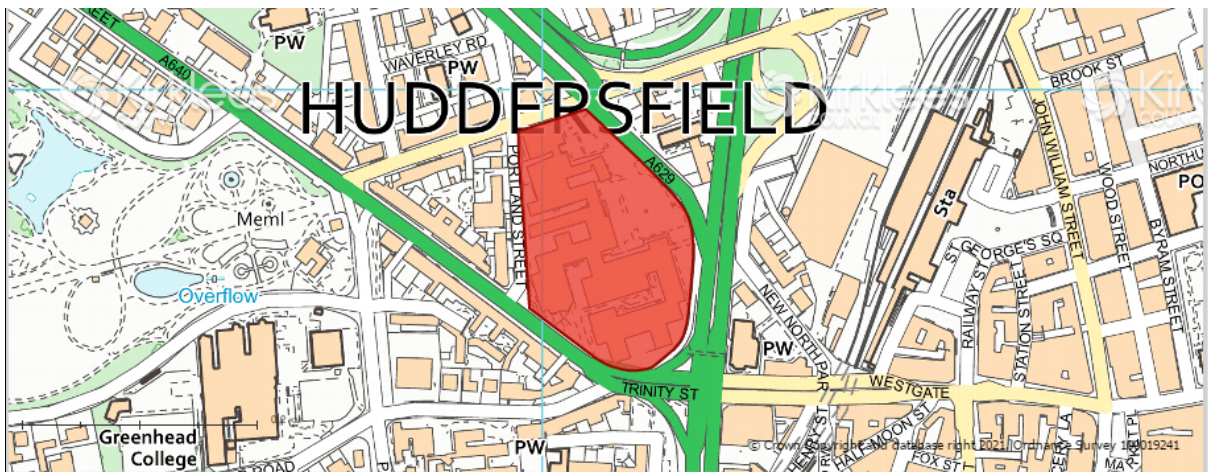
14-Nov-2018

EXTENSION EXPIRY DATE

27-Feb-2021

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: Yes (referred to in the report)

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Arrangements for the future maintenance and management of drainage infrastructure within the site.
2. Phasing of the development, including urgent work to the listed building (Building 1,2 & 3) within the first phase.
3. Overage clause in relation to the costs of the conversion of the listed (Building 1,2 &3).

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is a Hybrid planning application for a Mixed-Use development of retail and office accommodation, incorporating 229 apartments at Castlegate, on the former Kirklees college site that is located to the North of Huddersfield Town Centre. This major application is brought to Strategic Planning Committee for determination given the size of the site and the quantum of development proposed, specifically due to the number of residential units and the amount of retail floorspace proposed.
- 1.2 Kirklees College vacated the site in 2013 and relocated to new purpose-built accommodation. The site has been marketed for redevelopment but during which time it has declined considerably and been subject to decay, having a negative impact in terms of visual degradation and image of Huddersfield when entering the town.
- 1.3 Members may recall that a pre-application submission, referenced 2017/20041, was presented to Strategic Committee on 5th October 2017 to engage with members on the potential redevelopment of this site and obtain their views on the scale, form, and uses proposed. Committee comments were generally supportive of redevelopment of the site and the regeneration benefits of redevelopment and did wish to see the scheme with scale

respecting the existing listed buildings and the Edgerton Road Conservation Area. It should be noted that the scheme at pre-application stage was significantly different due to the inclusion a building of 11 storeys in height which incorporated the retail food store at ground level and primarily residential units above, on the southern element of the site.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located adjacent to the west of Huddersfield Town Centre ring road (Castlegate A62). The site is elliptical in shape, extending to approximately 2.46 hectares (6.09 acres), and is bounded on all sides by the extensive road networks comprising Fitzwilliam Street, Portland Street, New North Road and Trinity Street. The site comprises the former Kirklees College Campus and includes a range of buildings that were built as tower blocks in the 1970s. Also, within the centre of the site is the Grade II* listed former Huddersfield Infirmary Building, the Grade II Listed King Edward VII Statue and associated car parking space. The site is a Mixed Use allocated site within the Kirklees Local Plan under ref MXS4 for housing, retail and/or leisure beyond already permitted under Planning Permission 2015/93827 for the Erection of Food Retail Store on the southern part of the site.

2.2 The site has 3 distinct character zones as identified within the applicants Design & Access Statement (dated 31/07/2020):

1. Upper site– The 1933 infirmary extension and modern corner building.
2. Historic Core – The listed original infirmary building and statue of King Edward VII.
3. College Campus– 1970s medium rise Town- blocks

The wider context of the site can be summarised as mixed commercial uses in a predominantly residential area. The site is now within the town centre boundary as shown in the Local Plan which this site extends to the east, primarily residential to the south and north and Greenhead Park to the west which provides a green island of open space for leisure and recreation purposes.

2.3 The site is very accessible with Huddersfield Train Station situated within walking distance from the site (approximately 350m to the east), Huddersfield Bus Station being a comparable distance away to the south east, both of which are accessible via the existing subway crossing the A62. The A640 and A629 both head northwest to junctions 23 and 24 respectively of the M62.

2.4 The northern part of site is within the Edgerton Conservation Area.

2.5 From the site existing views are available to the surrounding hill lines. In particular, key views of Castle Hill to the south and Cowcliffe Ridge to the north, exist. The applicants state that the proposal has been informed by the 2016 Castle Hills Setting Study, in particular respecting the views of importance. Although officers accept that the layout has other key influences and that its relevance is diminished through distance.

3.0 PROPOSAL:

- 3.1 The proposal involves the erection of mixed-use development within 6 buildings, retention, repair and redevelopment of Grade II* listed building and retention of Grade II listed statue. Additionally, construction of associated access, surface and undercroft car parking and landscaping and demolition of all other existing buildings.
- 3.2 When the application was received in 13th August 2018 the proposal consisted of the following:
- Residential Dwellings – 187 14270.9 sqm
 - Use class A1 Retail and Shops -2823.9 sqm
 - Use class B1 Offices - 4139.3 sqm
 - Use class C1 (Hotel) - 102 bedrooms 3759.7 sqm
- 3.3 However, crucially the 2 existing wings that formed part of the principle listed building on site were proposed to be demolished which was not considered to be an appropriate design solution in heritage impact terms. Through negotiations and discussions with Council officers, Historic England and several variations of the development form, aimed at balancing viability and the impacts upon heritage assets, the applicants arrived at the current scheme.
- 3.4 The quantum of development now proposed consists of the following elements:
- Residential Dwellings - 229 (Use Class C1) 13690.1 sqm (Comprising 197 new build units & 32 from converted wings of listed building)
 - Use class B1 Offices – (Use Class B1a) 1001.9 sqm
 - Food Retail (Use Class A1) - 1997.9 sqm
- 3.5 The Hybrid application consists of a full application for the retail food store on the southern part of the site (building 6 on the masterplan) and the conversion of the principal listed building and its' wings in the central *historical core* (buildings 1,2 & 3 of the masterplan).
- 3.6 Outline permission is sought for the majority of the residential development on the Northern or Upper part of the site. Within this part, Access and Scale are the only matters sought for approval. Matters of Appearance, Layout and Landscaping, are to be applied for at reserved matters stage. The number of units proposed within the new residential blocks totals 197 apartments (32 units are proposed within the conversion of the wings of the principle listed building). As part of the outline application parameter plans that fix the height and therefore massing of the blocks have been included in the application.
- 3.7 The scale and form of the proposal is 4 and 5 storeys (above ground) for the residential apartments on the northern part of the site (Buildings 4 and 5 the illustrative masterplan) and just under 7m in height building on the southern part of the site that would contain (Building 6 on the illustrative masterplan) the retail provision for the overall development. A discount food retailer is proposed and the applicants have confirmed this is intended for the Lidl retail operator. The site layout on this part of the site is in general conformity with the previously approved layout in 2016 (2015/62/93827/W), facing west towards the main access to Trinity Street.

Listed Building Consent

- 3.8 Listed Building consent (2018/92687) is sought for the alterations of the grade ii* listed building and the demolition of other curtilage listed buildings (within a Conservation Area). These matters are assessed within the Heritage part of the report.
- 3.9 If members resolved to grant approval for the planning application officers would then grant the listed building application which, under the scheme of delegation, does not require committee authorisation.

Access

- 3.10 In terms of the full planning application part of the site:
- 3.11 Vehicular access is proposed off Portland Street via four access points. First to serve the retail development of the proposed food store (building 6 of Masterplan) for customer parking.
- 3.12 The second access is for servicing of the retail store only and provides a direct route to the rear of the retail store for delivery vehicles.
- 3.13 The third access is to serve the rear entrance and wings of the primary listed building (buildings 1 2& 3) and the rear of the Primary listed building. In this area a small amount of parking is proposed.
- 3.14 The fourth vehicular access is to serve the residential development to the north of the site that is in outline form and also the parking area in front of the listed building (building 1).
- 3.15 The existing vehicular access from the East on New North Road will be closed. Details of which are recommended to be secured by condition.

Demolition

- 3.16 The applicants propose to demolish all of the existing buildings on site other than the former Infirmary buildings and its wings (Buildings 1, 2 & 3 as shown on the Masterplan). When the application was submitted in 2018 the applicants proposed to demolish the wings of the listed building but this became a problematic part of the scheme. The applicant now proposes their retention. A demolition plan is included with the revised submission received in August 2020.
- 3.17 The Hybrid application has been supplemented by the following documents:
- Planning and Retail Statement;
 - Design and Access Statement;
 - Phase 1 Desk Top & Geo Environmental Assessment;
 - Flood Risk, Foul and Drainage Assessment;
 - Transport Assessment
 - Framework Travel Plan;
 - Ecological Assessment;
 - Bat survey
 - Heritage Assessment;

- Noise and Vibration Assessment;
- Arboricultural Assessment;
- Air Quality Impact Assessment; and
- Coal Mining Risk Assessment

3.18 An Environmental Impact Assessment (EIA) screening opinion request was submitted and a screening opinion processed when the pre-application submission was received. This scheme involved the high rise residential block above the food retail store and involved the demolition of the two wings of the listed buildings. The impacts of the proposal were significantly greater than the revised scheme now under consideration. The opinion concluded that the development is not EIA development.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The following applications relate to this site:

2015/93827 - The southern part of the site Full planning permission for demolition of existing buildings a food retail unit (Use Class A1) and associated access and landscaping. Council records demonstrate that the attached conditions were not discharged therefore this permission has expired.

4.2 2018/92687 - Listed Building Consent accompanying this planning application.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 2017/20041 - Pre-application submission advice was received in 2017. The scheme has been the subject of formal advice was provided in a pre-application submission.

5.2 The current application was received in 2018. The scheme involved the demolition of the two wings of the primary Grade II* Listed Building and the construction of an 11 storey block comprising retail at ground floor and residential units above. Historic England and heritage consultees objected to the demolition of the wings and had concerns with the scale of the building on the southern part of the site. Negotiations resulted in a revised scheme being submitted in August 2020.

5.3 Council officers requested that urgent works required to secure the primary listed buildings (buildings 1, 2 & 3) were secured in the 1st phase of development, alongside the demolition of the existing buildings at the site. Such works are considered to prevent the further decline in the condition of the primary listed building. The applicants have not formally responded but asserted verbally that there are no funds available within phase 1 to undertake urgent works to the listed buildings.

6.0 PLANNING POLICY:

6.1 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).

Kirklees Local Plan (2019):

- 6.2 The application site is allocated for a mixed - use site, Land North of Trinity Street, Huddersfield (Site Ref: MX1906) in the Kirklees Local Plan. The allocation defines a Mixed use - housing, employment and retail (additional retail and/or leisure beyond that already permitted (under application 2015/93827 for Erection of food retail store) would be subject to policy LP13 of the KLP) and gives a gross and net site area of 2.44 Ha, Indicative Housing Capacity of 45 dwellings and an indicative employment area of 2103 sqm. It lists the following constraints:

- Air quality issues
- Potentially contaminated land
- Odour source near site
- Noise source near site
- Part/all of the site is within a High Risk Coal Referral Area
- Grade II* listed former Huddersfield Infirmary building is within the site
- Grade II listed statue within the site
- Part of the site is within a Conservation Area

- 6.3 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP38 – Minerals safeguarding
LP47 – Healthy, active and safe lifestyles
LP49 – Educational and health care needs
LP67 - Mixed Use Allocations

Supplementary Planning Guidance / Documents:

- 6.4 Relevant guidance and documents:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide (2019)
- Waste Management Design Guide for New Developments (2020)
- Green Street Principles (2017)
- Kirklees Viability Guidance Note (2020)
- Huddersfield Blueprint (2019)

- 6.5 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the Council in 2020. These have undergone public consultation but have not been adopted to date.

Climate change:

- 6.6 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.7 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Guidance (National Planning Policy Framework):

- 6.8 Chapter 2 - Achieving sustainable development
 Chapter 4 – Decision-making
 Chapter 5 – Delivering a sufficient supply of homes
 Chapter 8 – Promoting healthy and safe communities
 Chapter 9 – Promoting sustainable transport
 Chapter 11 – Making effective use of land
 Chapter 12 – Achieving well-designed places
 Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 15 – Conserving and enhancing the natural environment
 Chapter 16 – Conserving and enhancing the historic environment
 Chapter 17 – Facilitating the sustainable use of materials.

6.9 Since March 2014 Planning Practice Guidance for England has been published online.

6.10 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was validated on 15/08/18 and was advertised by site notices, press advert and 84 neighbour notification letters. As a result, 3 letters of representation were received. In August 2020, amended plans were received and therefore another round of publicity was undertaken. The amended plans were advertised by site notices, press advert and 84 neighbour notification letters. 3 interested parties and 2 letters of representation were received, one of which was from Huddersfield Civic Society which is included in the heritage section of the appraisal.

7.2 A summary of the comments received is provided below.

7.3 2018 Original scheme:

- Area is of significant importance to Huddersfield
- proposed new building elevations do not in any way respond to the 'Infirmary' the one listed building the developers are proposing to leave standing.
- the site does need to be developed but for such an important and visible area of Huddersfield an increased effort is required from this developer in respect of his proposed facade designs
- Huddersfield Civic Society accepts the uses but raises concern design
- profound impact the setting of the listed Infirmary building, which, as a Grade 2* building is considered of regional importance
- mass, articulation and fenestration, particularly those adjacent to the Infirmary, fail to reflect the architectural quality of the listed building and the town's distinctive architectural quality
- wing designed by prominent local architect, in 1874 and the wing containing the water tower are both distinctive and architecturally important features
- no approval for new buildings should be given until there is substantial and convincing evidence that these structures cannot be successfully re-used.
- level of metal cladding rather than the use of stone, particularly in relation to buildings along Portland Street and the adjacent Conservation area
- those buildings which are retained are converted and suitably restored as part of an agreed phased development and are not neglected should part(s) of the site be disposed of.

- In June 2016 the planning committee stipulated that “natural Yorkshrestone” should be used on the elevations of the permitted supermarket application.
- The current application for block 8 proposes extensive use of “sandstone faced rain-screen cladding”. The acceptability of this material is dependent upon its quality
- If it replicates the local stone used on the recent University Oastler building then that would be satisfactory; any other material may not complement the adjacent Grade II* listed building or Conservation area
- West elevations of buildings 2 and 3 have too much metal cladding but a greater proportion of sandstone should be used on the side facing Portland Street.
- Phasing of the development: Planning Authority should condition the simultaneous development of all 4 buildings.

7.4 2020 - Revised Scheme:

- How happy I am to hear this and sincerely hope this application is successful.
- After 5/6 years and numerous callouts of the emergency services – both Police and Fire
- Site is a complete eyesore for visitors to this historic town putting Huddersfield in a very poor light indeed.
- The property is being used by many of the homeless community as a public convenience – and this I see on a daily basis
- Huddersfield Civic Society- welcomes retention and conversion of those buildings marked Buildings 1,2 and 3 on the submitted plan
- Notes the applicant states, this drawing shows an indicative design only
- Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street
- strong objection to the elevational details of the proposed supermarket and related car parking and would appear to achieve even lower standards of design than existing college buildings
- contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town
- greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting.

- introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the original application.
- By accepting the changes as a revision the opportunity for members of the public to submit comments has been reduced from the time frame allowed

Ward Councillor comments

- 7.5 Ward Councillors were emailed on 12.01.2021. Any comments received will be reported in the agenda update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM - No objections subject to conditions.

Lead Local Flood Authority (LLFA) - No objections subject to conditions.

Historic England – No objection; the principle of development is supported, ask that your authority is satisfied that this is the minimum amount of development necessary to make the proposal viable and that can only be delivered in this particular way (14 September 2020) Refer to Assessment for further detail.

8.2 Non-statutory:

KC Conservation & Design - No objections. The principle of redeveloping the site with extensive demolition is accepted if the restoration and conversion of the 1831 infirmary building and rear wings is carried out as part of the proposal. Advise conditions and phasing plan to be secured through S106 agreement.

West Yorkshire Archaeology Advisory Service (WYAAS): Parts of the hospital require archaeological and architectural recording prior to the change of use. In particular the entrance block which housed principal accommodation for senior staff and medical facilities.

KC Ecology - No objection provided the following pre-commencement conditions are included, or ideally this information could be provided prior to determination.

KC Trees - The applicants have attempted to retain existing trees on site. No objections subject to conditions.

Georgian Group - Object. Welcomes the repair and reuse of the original c1831 former infirmary building but object to the demolition of a number of the later nineteenth and early twentieth century former hospital buildings.

Huddersfield Civic Society - Object. Welcomes the Retention & Conversion of buildings 1, 2 & 3. Strong objection to the elevational details of the proposed supermarket and related car parking supermarket would appear to achieve even lower standards of design, as very prominent site. Severely question Council's commitment to its own Blueprint and its ability to positively promote high standards of architecture and design.

Yorkshire Water - No objections subject to conditions.

KC Strategic Housing - No objection. Based on a development of 239 residential units, 48 units are sought from this development. for 1 and 2 bed dwellings. The applicant proposes studio, 1, 2 and 3 bedroom apartments housing, therefore a mixture of these would be suitable for this development.

Vacant building credit: Government guidance and policy in planning practice guidance and the National Planning Policy Framework, notes the following on vacant building credit (VBC):

VBC is applicable resulting on the provision of no affordable housing units in this scheme.

KC Education - The scheme generates a total requirement of £291,469 towards primary school provision (Spring Grove J I & N School). No secondary education is required by this development.

KC Strategic Waste - No objections. No closed landfill sites within 500m of HD1 5NN, nor does our historic sieve maps.

* According to the Environment Agency search website, there are no Active landfills within a 500m radius.

KC Business Team - The business team recognises the significant investment brought into developing this Huddersfield Gateway site and in bringing a listed building back into use. Therefore support the application on the basis of the significant jobs to be created and would wish to also explore the opportunity for local plant, material and labour during the construction phase.

9.0 MAIN ISSUES

- Principle of development
- Heritage Issues and Restoration of the Listed Building
- Residential amenity & Unit Size
- Ecology and trees
- Planning obligations and financial viability
- Phasing of the development
- Housing issues
- Highway issues
- Drainage issues
- Climate Change
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site is allocated as a mixed - use site, Land North of Trinity Street, Huddersfield (Site Ref: MX1906) in the Kirklees Local Plan which was adopted in February 2019. The allocation defines a Mixed use - housing, employment and retail (additional retail and/or leisure beyond that already permitted (under application 2015/93827 for erection of food retail store) would be subject to policy LP13 of the KLP) and gives a gross and net site area of 2.44 Ha, an indicative Housing Capacity of 45 dwellings and indicative employment area of 2103 sq m. It lists the following constraints:
- Air quality issues
 - Potentially contaminated land
 - Odour source near site
 - Noise source near site
 - Part/all of the site is within a High Risk Coal Referral Area
 - Grade II* listed former Huddersfield Infirmary building is within the site
 - Grade II listed statue within the site
 - Part of the site is within a Conservation Area
- 10.4 In planning policy terms, the site allocation within the Local Plan can be given full weight.
- 10.5 The southern section of the site benefits from an outline planning permission (Ref: 2015/93827) for the demolition of existing buildings and erection of a food retail unit (A1) with associated site works, parking, access and landscaping which was approved with conditions by the Council on the 27th June 2016. This consent granted 2,470 sq m (net sales area of 1424 sq m) of Use Class A1 retail floorspace within a single unit as shown on the accompanying plans.
- 10.6 The site is classed as a brownfield site within the Huddersfield Town Centre, however in terms of retail policy assessment the site is classed as edge of centre (outside of the primary shopping area). A retail assessment was submitted with the planning application and identifies the relevant planning policies. The application proposal comprises two main town centre uses which is the office within the primary listed building (Building 1 on masterplan) and the food retail store (Building 6 on masterplan). When the application was received in 2018, the UDP formed the development plan for Kirklees and the site was located outside of the Town Centre boundary. The applicants did undertake a Sequential Test and Impact Test in relation to the retail proposed as required for sites outside of Town Centres. The adoption of the Local Plan included this site as being within Huddersfield Town Centre where retail and office developments are acceptable in principle.
- 10.7 Given that permission has previously been granted for 2,470 sq m of retail floorspace on the site and notwithstanding detailed assessment of the scheme (currently 2,824 sq m A1 retail), the principle of development on the southern part of the site which proposes retail development is considered to be acceptable. With regards to the northern part of the site, incorporating the residential development in outline form (buildings 4 & 5 shown on the

masterplan) on the Upper site and the Historic core containing the listed buildings (buildings 1, 2 & 3 shown on the masterplan), consideration needs to be given to the material considerations of the benefits that would accrue in terms of regeneration of a key site and a significant level of investment and employment generation that would weigh against any identified harm to heritage assets from demolition and construction of the buildings of scale and massing required to accommodate 239 residential units.

- 10.8 It is recognised that in the applicants planning statement the applicants have justified the development in terms of its sustainability criteria and particularly the economic benefits of the scheme as required in the NPPF. *The retail food store element associated with the extant permission was identified as providing up to 50 jobs. Employment opportunities will also be generated during the construction phase and where appropriate, local labour would be given the opportunity to be involved.* Employment opportunities would also be provided by the office unit from the converted Listed Building (Building 1 on the masterplan).
- 10.9 It is also recognised that there are benefits from providing a significant number of residential units into the Town Centre. Policies LP13, LP15 and LP17 of the KLP support town centres as places where people live. Policy LP15 of the KLP refers to residential uses within Town Centres and gives criteria to assess proposals against. This scheme is compliant with the criteria in terms of the residential unit's proposed in the wings of the primary listed building and further assessment will be undertaken at reserved matters stage when details are submitted for the northern element of the scheme that is currently in outline form. Policy LP17 of the KLP which refers to the Huddersfield Town Centre, identifies the centre to be the principal focus for high quality comparison retail goods within the district, supported by a range of leisure, tourism, office (including high quality grade A office space), and other main town centres uses. The opportunity that will be secured by the restoration of the Grade 2* listed building for high quality office accommodation in a highly accessible location should be recognised.
- 10.10 The site is identified as one of two key development site opportunities to support capacity for growth within the town centre over the plan period.
- 10.11 The Kirklees Economic Strategy 2014-2020 set a priority to revitalise Huddersfield Town Centre with more cultural, leisure and independent retail attractions, with the aim of increasing pedestrian footfall and the vitality of the town centre. The development can assist in and will play a key role in achieving these aims. Taking into consideration the aforementioned local policies and the broad aims of revitalising town centres as a key focus for investment from national policy in the NPPF, the principal of development on the site is acceptable.

Quantum and density

- 10.12 To ensure efficient use of land, Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite

supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure that allocated sites are efficiently used (having regard to all relevant planning considerations) to ensure the borough's housing delivery targets are met.

- 10.13 The number of apartment units proposed is 229 which is 197 on the northern part of the site and 32 within the wings of the primary listed building in the Historic Core. The indicative number of dwellings within the site allocation box of the Local Plan is 45 but this also includes an employment floorspace of 2,103 sq m. The density of the development as a whole is 93 dwellings per Ha. Officers acknowledge that the challenges of the site mean that the northern element that comes forward at reserved matters will be a high density format but this is a town centre where some scale can be accommodated if sensitively designed.

Heritage Issues and Restoration of the Listed Building

- 10.14 The former Huddersfield Royal Infirmary site occupies a prominent position on the edge of Huddersfield town centre, within the setting of a large number of listed buildings and affecting three conservation areas. The original infirmary (F1) is listed grade II* and, together with the grade II listed statue of Edward VII, provides an impressive centrepiece for a complex of structures which help to tell the story of the development of healthcare and the civic character of Huddersfield. These buildings are considered to form a priority site that is included in the national Heritage at Risk Register.
- 10.15 The three conservation areas are Greenhead Park, Town Centre and Springwood Conservation Areas. The setting of Greenhead Park Conservation Area comprises residential development to the north and west of the site. To the east sits the Huddersfield Town Centre Conservation Area and includes St Georges Square and the railway station. Springwood Conservation Areas
- 10.16 Several listed buildings are located at close proximity to the site and therefore the proposals have the potential to affect their setting.
- 10.17 When determining planning applications that impact on designated heritage assets local planning authorities have a statutory duty under sections 16(2), 66(1) and 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 10.18 Paragraph 192 of the NPPF states: "In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness."

- 10.19 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 10.20 Paragraph 195 of the NPPF states that: "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.21 Part 1 of Policy LP35 of the Kirklees Local Plan states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset and it mirrors paragraph 195 of the NPPF in terms of the assessment for proposals that would result in substantial harm or loss of a designated heritage asset.
- 10.22 The policy justification for LP35 identifies that "much of the distinctiveness of Kirklees' historic environment is steeped in the development of the textile industry."
- 10.23 A Heritage Statement has been prepared (by Woodhall Planning & Conservation support the application. The assessment identifies the heritage assets of the site and the potential impact upon the conservation areas and their setting. It appraises the historical significance of the blocks that are proposed to be demolished.

Re-use of Listed Buildings (Building 1,2&3 on Masterplan)

- 10.24 The revised proposal includes the conversion and restoration of the historic Grade II* listed infirmary building (building 1 on masterplan) along with the two rear wings to the west (buildings 2 and 3 on masterplan) into high quality residential and office accommodation.
- 10.25 KC Conservation & Design Team commented that *given their dilapidated and vulnerable condition and the length of time these have remained vacant, they support a sensitive proposal which restores these significant heritage assets and gives them a sustainable and viable use. If the proposed office use for Building 1 is unviable as indicated in the viability assessment, new uses could be explored later. The applicant proposes the demolition of later interventions including external structures and internal partitions which will reveal the historic structure and floorplans and as these will enhance the listed building, they are acceptable. Extensive restoration work is proposed, including the refurbishment of existing historic windows and internal woodwork,*

reinstatement of previously blocked up windows, restoration of the masonry and roof, restoration of internal plasterwork and the removal of later fittings and interventions. Again, this will enhance the listed building some alterations are proposed to enable the building to function safely and effectively in its proposed use. This will require the replacement of existing escape stairs, the provision of new entrances, and internal works which include the formation of new openings, some subdivision, and the provision of sanitary facilities. These works are acceptable subject to conditions.

- 10.26 Historic England have advised that that they have no objections to office or residential re-use of the Grade 2* listed building.
- 10.27 A separate application (2018/92687) for Listed Building Consent was submitted to accompany the planning application. This relates only to the works to the Listed Building (including the demolition of those buildings and structures classed as curtilage buildings). If the committee resolve to support the officer recommendation the listed building application will be approved under delegation at the same time.

Statue of King Edward VII (Grade II listed)

- 10.28 This statue stands in the car park to the east of the original infirmary building. It consists of a bronze statue of the King in Garter Regalia on a granite plinth with bronze plaques of Peace, Sympathy and Industry on three sides. The immediate setting of the statue of King Edward VII currently undermines the significance of this listed building. The surface parking, condition of surrounding buildings, and proximity of the large college buildings are all detrimental to its setting.
- 10.29 Officers sought amendments to the original scheme submitted that secured a reduced level of surface car parking to the front of the primary listed building (building 1) and enhanced the area surrounding the statue so that that the attractive setting of the front of the Listed building and the statue could be enhanced and better appreciated with less visual clutter from car parking.

Demolition

- 10.30 The former college buildings (Blocks A to E as shown on the demolition plan) consist of 1970s tower blocks and previously used as a college campus. These buildings are heavily vandalised, they have negative impact on the immediate vicinity, and wider area including the nearby conservation areas. They adversely impact upon the setting of the retained listed building and indeed, completely obscure any view of the former infirmary Building 1 from the south, southeast and southwest of the site. Officers consider that the demolition of this group will open up views through the site towards the primary listed building within the historical core.
- 10.31 The buildings on the northern part of the site, (namely Blocks, H, G, J & K on the demolition plan) would result in the loss of some of the later phases of the hospital complex. The applicants state that their demolition is justified in part as these buildings have been altered, are currently vacant, and as a result of vandalism and fire are in a poor condition. Due to their design and layout, these later blocks do not lend themselves to conversion for modern office or residential use.

- 10.32 Kirklees Council Conservation & Design officers did have concerns with the demolition of Building G. This building, which is listed as part of the infirmary complex, is considered to contribute to the significance and evolution of the site, with the two pavilions on the Portland Street elevation of this Art Deco building making a positive contribution to the character of the Greenhead Park / New North Road Conservation Area. The demolition of this building will cause less than substantial harm to the significance of the infirmary complex and character of the conservation area and this needs to be outweighed by the public benefits of the proposal.
- 10.33 The applicants Viability Appraisal (VA) was assessed on behalf of Kirklees Council by Avison Young (AY) who produced an independent VA that concluded that the proposed demolition and density of new development at the northern end of the site is necessary to fund basic works to the 1831 infirmary building and attached wings, and states without this level of work that the restoration of the listed building would be unviable.
- 10.34 It is necessary to ensure that the full restoration is carried out rather than simply making the listed buildings wind and weather tight, and a phasing plan for the development of the site is required.

Northern Site (Buildings 4 & 5 on masterplan)

- 10.35 Although the submitted design of Buildings 4 and 5 show limited detail and this gives some uncertainty at this stage, it will provide the opportunity for detailed design discussions at reserved matters stage, when consideration must be given to the NPPF paragraph 130 and 192 – 196 as well as LP17, LP24 and LP35 of the Kirklees Local Plan. This will allow the regeneration of the site to proceed while safeguarding Buildings 1, 2 and 3.
- 10.36 KC Conservation & Design officers raised concern that the indicative scale and location of the new-build apartments would have a significant impact on the character of their context within the conservation area and requested that the applicants demonstrate that the indicative quantum of new build (197 apartments proposed) is the minimum necessary to make the overall development viable. However, this has been justified through the viability process and the evidence contained within the Viability Appraisal, consequently the quantum proposed, is considered to be the minimum amount of development

Historic England

- 10.37 Historic England have commented as follows:

The former Huddersfield Royal Infirmary site occupies a prominent position on the edge of Huddersfield town centre, affecting the setting of a number of listed buildings and three conservation areas. The regeneration of this strategic site represents a critical opportunity in the development of Huddersfield town centre, which would bring back into use a nationally important building alongside some of its ancillary structures which contribute to its significance and to the story of the development of the town.

As such, the principle of redeveloping this site is supported. Whilst the welcome some changes to the previous scheme, the loss of historic buildings – block G in particular - and the increased density of the proposed development on the north part of the site would be harmful to the character and appearance of conservation area and the setting of surrounding listed buildings, and consequently we have concerns on heritage grounds. Whilst we do not object to the proposal, we ask that your authority is satisfied that this is the minimum amount of development necessary to make the proposal viable and that can only be delivered in this particular way.

When making this judgement, we ask you to consider the ‘special regard’ which must be paid to the desirability of preserving listed buildings or their settings and preserving or enhancing the character or appearance of conservation areas. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 127, 130, 192-196 and 200 of the NPPF

Georgian Group

- 10.38 The response dated 03/09/2020) from the Georgian Group does recognise and welcome the repair and reuse of the original c1831 former infirmary building. Their response is summarised in the concluding paragraph and is therefore interpreted as an objection and states:

The proposed works to the former hospital complex would collectively cause a considerable degree of harm to its significance, and to the character and significance of the surrounding conservation area. Parts of the proposed work including the proposed total demolition of the later nineteenth and early twentieth century hospital ranges are of a particularly controversial nature and have not been adequately justified. We would therefore urge the applicant to withdraw this application until such time as they can address the issues highlighted within this letter. If the applicant is unwilling to do so, then consent should be refused.

Huddersfield Civic Society :

- 10.39 The Huddersfield Civic Society have stated that they welcome the retention and conversion of those buildings marked Buildings 1, 2 and 3 on the submitted plans. It also echoes those concerns, articulated in the Society's original comments, concerning the proposed residential block (Building 5) but notes the applicant states, 'this drawing shows an indicative design only. Detailed planning permission is not sought for this building'. Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street. It may be appropriate for a planning condition to this effect to be incorporated into any approval granted on this initial phase of the site development. However, the Society wishes to state its strong objection to the elevational details of the proposed supermarket and related car parking. This occupies one of the most prominent sites within Huddersfield, adjacent to Castlegate (ring road) and Trinity Street, the latter providing the main access to and from the M62 motorway.

Over the past few years there have been a number of high quality developments fronting the ring road, including those on the university campus and Huddersfield Sports Centre which have complemented buildings of architectural and historic value such as St Paul's Church and Queensgate Market. Those buildings on the former Kirklees College site, which were constructed in the 1960/70 period, have, generally, been considered to be of poor architectural quality, particularly in relation to the former Infirmary, adjacent Conservation Area and the prominence of the site. The proposed supermarket would appear to achieve even lower standards of design, particularly in relation to these features. It would, therefore, be a retrograde step for approval to be given to this element of the proposal, and contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town. Furthermore, this element of the application should, at the very least, undergo some major design revisions coupled with a far greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting. Finally, the Society view the introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the original application. There is little clarity regarding the 'revisions' and major conflicts between the (still undecided) Aug 2018 application on the council website and statements in latter documents. By accepting this change as a 'revision' to an existing application, the opportunity for members of the public to submit comments has been significantly curtailed from the time frame allowed in the event of a new application. As such, we strongly recommend this application be rejected and the applicant asked to resubmit a new application to ensure residents of Huddersfield are allowed the opportunity to express their views. As it stands any approval would be a retrograde step for the town and severely question the Council's commitment to its' own BluePrint and its ability to positively promote high standards of architecture and design.

Conclusion on Heritage

- 10.40 Paragraph 194 of the NPPF states that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as is the case here), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.41 KC heritage officers have advised that the development will have the following impacts upon heritage assets.
- a) Direct impact on Grade II* listed building –‘less than substantial harm’ to the significance of this listed building
 - b) Impact on the setting of the listed buildings on the Site – enhancement of their setting
 - c) Impact on the setting of the listed buildings around the Site – enhancement of their setting

- d) Direct impact on Greenhead Park Conservation Area - 'less than substantial harm' to the significance of this designated area
- e) Impact on the setting of the surrounding conservation areas - enhancement of the setting of the designated areas

10.42 It is also noted that Heritage officers advise that the demolition of building G will cause less than substantial harm to the significance of the infirmary complex and character of the conservation area

The public benefits of the scheme include as follows:

- Restoration and reuse of a grade 2* listed building (buildings 1 ,2 &3) that is currently on the National Heritage at Risk Register
- Enhancement of the setting of the primary listed building and its wings
- Regeneration of a highly prominent derelict site within the Town Centre
- Secures a significant level of investment and employment opportunities
- Provision of 229 Dwellings in a sustainable location and within the Town Centre which when occupied assists with spend within the local economy and support retail units and town centre vitality and viability.

10.43 It is recognised that the site's physical deterioration has a significant negative impact on the character and appearance of the wider town centre, including the existing heritage assets in and close to the site. There have been and are a number of planning issues on this site to balance and this scheme is considered to present an appropriate solution with significant public benefits that outweigh the less than substantial harm previously identified. In doing so this scheme will enhance a significant part of the designated conservation area, and positively contribute to the strategic regeneration of this part of Huddersfield town centre. The proposal therefore complies with Paragraph 196 of the NPPF and policy LP35 Kirklees Local Plan.

Residential Amenity & Unit Sizes

10.44 Local Plan Policy LP24 advises that good design should be at the core of all proposals. It states that development should provide good design by ensuring, amongst other matters, that they provide a high standard of amenity for future and neighbouring occupiers and also, that they are adaptable and able to respond to change and offer flexibility to meet changing requirements of the resident / user. As a consequence, matters such as maintaining appropriate distances between buildings, outside garden areas and also the provision of adequate living space are material planning considerations.

10.45 The applicants submitted a Noise Impact Assessment and Air Quality Assessment with the application. In terms of noise impact the retail part of the development on the southern parcel will generate noise that has the potential to affect the residential amenity of residents both within the development on parcels to the north of the site in outline form and the units within the listed buildings and in proximity to the development. Considerations are given to the operation of the site once each of the sections have been completed and also during the construction phase.

- 10.46 Although residential development would increase activity and movements to and from the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not considered incompatible with existing surrounding uses.
- 10.47 A condition requiring the submission and approval of a Construction Management Plan (CMP) is proposed. The details submitted for a future discharge of condition would need to sufficiently address the potential amenity impacts of construction work at this site.
- 10.48 In terms of Air Quality, the site abuts the ring road and is adjacent to the Air Quality Management Area (AQMA). Considerations are given to both the living conditions of occupants of the proposed residential units and office use (within building 1 of the masterplan). Further details of the assessments undertaken will be reported in the update.

Unit sizes

- 10.49 The applicant proposes the following unit size and mix of apartments for the full application detailed for the conversion of the primary listed building (Buildings 1, 2 & 3):
- Studio
 - 1 bed
 - 2 bed
- 10.50 The detailed design of the units within the outline part of the site for buildings 4 and 5 will be submitted at Reserved Matters stage.
- 10.51 Overall, the mix is considered to be acceptable and would contribute towards creating a mixed and balanced community.
- 10.52 The sizes of the proposed residential units is also a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.53 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, as of April 2021, all permitted development residential conversions will be required to be NDSS-compliant.

10.54 The applicant has confirmed unit sizes within buildings 2 and 3. Assuming the lowest number of intended occupants, and assuming some of the studios would be provided with shower rooms instead of bathrooms, 30 of the 32 dwellings would be NDSS-compliant. This equates to 93.7% complying with NDSS. The proposed unit sizes are as follows (grey highlights the non-compliant units):

Building	Description	Number of units	Size (GIA) sqm	NDSS (GIA) sqm, lowest number of occupants
2	Studio	2	37.0	39 (37 with shower)
	Studio	1	37.6	39 (37 with shower)
	Studio	2	39.5	39 (37 with shower)
	1 bed apt	1	44.8	39 (37 with shower)
	1 bed apt	1	45.9	39 (37 with shower)
	1 bed apt	3	49.2	39 (37 with shower)
	2 bed apt	2	63.3	61
	2 bed apt	1	64.0	61
	2 bed apt	1	64.1	61
	2 bed apt	1	64.4	61
	2 bed apt	1	66.7	61
	2 bed apt	1	67.1	61
	2 bed apt	1	68.7	61
	2 bed apt	2	72.0	61
	Total	20		
3	1 bed apt	1	45.1	39 (37 with shower)
	1 bed apt	1	54.5	39 (37 with shower)
	2 bed apt	1	55.4	61
	2 bed apt	1	56.6	61
	2 bed apt	1	62.9	61
	2 bed apt	1	63.8	61
	2 bed apt	1	66.7	61
	2 bed apt	1	68.2	61
	2 bed apt	1	68.4	61
	2 bed apt	1	69.8	61
	2 bed apt	1	69.9	61
	2 bed apt	1	72.9	61
	Total	12		

10.55 The proposed unit sizes overall are considered acceptable, noting the policy position in relation to NDSS, as well as paragraph 018 of the “Housing: optional technical standards” section of the Government’s online Planning Practice Guidance (ref: 56-018-20150327).

Ecology and Trees

10.56 An updated bat survey and walkover of the site was undertaken and submitted for 2020 with the amended scheme received in 2020. This revealed minimal changes to the buildings and habitats on the site since the original surveys undertaken in 2017, and therefore with the application of mitigative measures, the risk to protected species is considered unlikely. The outline element of the scheme to the north only, surveys may require repeating on

the buildings to the north of the site (G-K) at reserved matters stage to ensure the status of bats has not changed on the site if the application is not submitted within 2 years from the date of the latest survey.

- 10.57 In accordance with Local Plan Policy LP30(ii) development is required to “minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist”. No objection provided the following pre-commencement conditions are included, or ideally this information could be provided prior to determination.

KC Trees

- 10.58 Arboricultural Report Surveys were undertaken and submitted to Kirklees Tree officers to assess. There are no objections to the proposals on the majority of the site. subject to conditions.
- 10.59 With regards to the retail store element of the scheme, amended plans have been received showing that two trees (T38 and T41 Horse Chestnut) to the south of the food store are now to be retained rather than removed. They are of good size and form and would contribute to the overall amenity value and species retained on the site.
- 10.60 The KC Arboricultural officer has advised that the applicants have attempted to retain as many trees as possible on a difficult site with many constraints. The location of T38 and T41 on an embankment to the front of the store and close to retaining structures makes it difficult to accurately assess at this moment whether they can still be retained, once detailed structural assessments are made but this process could be undertaken by making a Non-Material Amendment application (Section 96a type application to Kirklees Council). The applicants have agreed to attempt to retain them which is a preferred starting position. Details of the tree protection measures for the whole site will need to be secured as a condition in the form of an Arboricultural Method Statement to ensure compliance with policy LP33 of the KLP.

Planning obligations and financial viability

- 10.61 Under planning policies identified the scheme generates the following requirements:

Affordable housing:

- 10.62 Policy LP11 of the Kirklees Local Plan requires 20% of the dwellings on the site to be affordable. Based on a total of 229 units 46 dwellings would be required, however Vacant Building Credit is applicable and due to the extensive buildings on site the calculation has removed the requirement to provide affordable units.

Education:

- 10.63 Policy LP49 of the Kirklees Local Plan provides for educational needs arising from new development. The scheme generates a total requirement of £291,469 towards primary school provision (Spring Grove J I & N School). No secondary education is required by this development.

Open space:

- 10.64 Policy LP63 of the Kirklees Local Plan relates to the provision of open space on new developments. The proposal showing a shortfall in Open Space provision of £373,578. (Accepted that delivery will depend on viability of the scheme)

Highways:

- 10.65 An additional highway improvement scheme is also to be delivered in the direct vicinity of the proposed development to improve pedestrian and cycle links to the town centre, this will be conditioned and delivered by an agreed section 278. (Accepted that delivery will depend on viability of the scheme)
- 10.66 An upgrade to the existing lighting is requested as part of this development and will be conditioned accordingly. (Accepted that delivery will depend on viability of the scheme)

Financial Viability:

- 10.67 The applicant has submitted a financial viability appraisal which has been independently assessed on behalf of Kirklees Council, therefore for the purposes of the report is referred to as AY. Note Viability Appraisal (VA)
- 10.68 Without a reasonable profit there is no commercial justification to a developer investing money into a site. For the purpose of the assessment a target profit equal to 20% on cost (which equates to 16.67% if profit if measured in GDV) is considered to be a reasonable profit for the scheme proposed.
- 10.69 The key differences in the viability Appraisals are as follows:

Sales Values

The applicants VA assumes a sales value of £250 per sq ft on the new build residential element and £240 per sq ft on the residential conversion. Where as AY VA assumes sales values of £250 per sq ft across the whole scheme

Development Value

The Applicant has not included any cost or value associated with the office conversion of Building 1. This is because they believe the office conversion to be unviable. AY have included the office development to demonstrate to committee the non- viable conclusion of this element of the scheme. Also note comments on Sensitivity Testing.

Build Costs

The applicants assumed build cost of £140psf for the new build residential development and £145psf for the conversion elements but not included any costs other than making the building wind and watertight for the refurbished office conversion. AY have adopted £122.54psf for the new build element (external works) the scheme will need to be designed in a sensitive manor in view of the listed buildings on the site, £113.53psf for the residential conversion and £90.30 psf for the office conversion

Contingency

The Applicant have made an allowance of 2.5% on construction costs in their appraisal for a contingency. AY have assumed a contingency of 5% on construction costs normally applicable for brownfield/previously developed sites.

Project fees

The applicant has included project fees at 6.85% on build costs where as AY have applied 8%.

Land Value

Applicant included a land value of £2,350,000. AY have included a land cost of £1,100,000. However, it is understood that £250,000 of fire damage works, as well as c. £750,000 of demolition works were quantified at the time of purchase. Valuation colleagues were in contact with the applicants Viability Consultants a couple of years ago about the application site when valuing another Kirklees College site. It was explained that there was c. £1,000,000 worth of abnormalities associated with the site at the time. The price paid for the site should reflect these abnormal costs, therefore AY deducted the c. £1,000,000 from the £2,100,000 purchase price to get to £1,100,000 and then included the £1,000,000 abnormal costs in our appraisal.

- 10.70 The Applicant's VA did not include any cost or value related to the office conversion, since they believed this element of the scheme is fundamentally unviable. As a result, no funds have been allocated to undertake the conversion works other than to make the building wind and water-tight at a maximum cost of £500,000. Avison Young included the office element of the scheme in the appraisals to determine the overall viability of the scheme. AY appraisal and scenario 1 shows that the Applicant's VA is correct in that the office element of the scheme does not generate a value more than the costs. In the sensitivity analysis, when the office element has been removed it is then included the £500,000 works in the appraisal to ensure the cost is accounted for.
- 10.71 The aim of our assessment is to reflect industry benchmarks in development management viability. The council's VA ignored the nature of the applicant and disregarded all benefits or disbenefits that are unique to the Applicant. On this basis we have removed circa £2,250,000 of costs we believe are unique to the Applicant. Therefore, the Applicants viability is substantially worse than our assessment shows.
- 10.72 The Council's assessors agreed with the applicants on the following issues:
- Policies would require the scheme to provide S106 obligations for education (£291,469), Public Open Space (£50,000) and a sustainable travel contribution (£60,000) amounting to £401,469
- 10.73 The VA Assessment demonstrates that with the inclusion of the S.106 obligations, the scheme generates a residual profit of £3,719,842, equating to approximately 9.67% profit on cost.
- 10.74 It should be noted that the figure for POS contribution has been revised to £373,535. This does not have a bearing on the viability conclusions or officer recommendation.

Sensitivity Testing

10.75 As part of the viability assessment a number of scenario's are explored to test:

- 1) Considered the viability of the scheme on the basis that the office conversion is simply made wind and watertight at a cost of £500,000. Under this scenario the profit generated by the scheme increases to 10.56% on cost. Whilst the viability is improved the profit generated still falls short of the 20% on cost which is deemed to be a reasonable return for the developer.
- 2) Considered the S106 requirements and builds on sensitivity one and removes the S106 obligations in addition to reducing the costs of the office conversion to £500,000 which would simply put the building into a weather tight state. Under this scenario the profit increases to 12.21% on cost (which equates to 11.74% on GDV) which is well below the threshold of 15-20% on GDV advised within the NPPF. Even under this scenario the profit on costs still falls short of the 20% profit on costs which is a advisable target.
- 3) Officers requested that the VA considered the possibility of Building 1 (the main listed building) for residential conversion rather than an office use. However, based upon a crude calculation and without accounting for additional costs on top such as professional fees (8% of build costs), contingency (3% of build costs AY assumed 5% in the appraisal) and finance (varies), although the level of deficit was reduced it was still - £250,764 in deficit.

Conclusion on Viability:

10.76 The VA demonstrated the scheme (with no S106 contributions the development is viable but unable to generate a return (profit) which is commensurate with a reasonable return for a scheme of this nature (i.e. 20% on cost). Whilst removing the S106 obligations will in no way ensure a profit which commensurate with a scheme of this nature it may actually mean the applicant can broadly break even and deliver the scheme.

10.77 An overage clause can however be included within the S106 in the event that the conversion costs (buildings 1,2 &3) end up being significantly less than the applicant anticipates and in turn yields a substantial uplift in the level of developer profit. In this event these funds will go to provide the planning obligations that cannot be secured at this time.

Phasing

10.78 KC heritage officers have assessed the external condition of the primary listed building (buildings 1,2&3 as shown on the masterplan) and identified a number of urgent works that are required to secure the preservation of the principal heritage assets on the site.

10.79 Officers consider that a key public benefit of the scheme is the retention and re-use of the primary listed buildings on the site (as detailed in paragraph of the Heritage section of the report) and therefore it is essential that in granting permission for the wider site redevelopment that the retained heritage assets will be protected from further deterioration and brought back into sustainable use, with the construction plan that secures their redevelopment.

- 10.80 It is understood that the applicant's plan is to enable the sale of the retail foodstore element (southern) of the site and actively market the northern part of the site separately for residential/office use. The site enabling works, therefore, need to facilitate the separate but parallel construction programmes of the two sites, without compromising the ability to secure the listed buildings.
- 10.81 The current condition of the internal fabric of buildings 1, 2 & 3 is at this stage unquantified. The external condition has been assessed recently by officer site visit and the indicative condition is summarised below

Building 1

All visible lead missing from the roof, including ridge and hips, chimney flashings.

- External damp staining to the masonry suggesting parapet gutter lead also stripped.
- Portico roof leaking badly.
- Limited ventilation – needs to be addressed.
- Vegetation growth on roof.

Buildings 2 and 3

- Open and broken windows
- Lead stripped from roof
- Ground floor window boarding not seen but is it ventilated?
- Vegetation growth on roof and in gutters.
- Site security is poor enabling access across the buildings (hoardings pulled away and broken and accessible windows, heras fencing collapsed, rubbish used to access and climb walls).

Note: that due to the inter-connected nature of the interior access is available throughout.

Given the AY viability appraisal conclusions officers advise that the primary aim in terms of heritage is to secure the full restoration and conversion of the listed buildings, which is partially enabled by the development of the food retail plot and the new build apartments which would represent a significant public benefit.

Heritage officers have identified that Urgent Works are required and should be undertaken without further delay

Key urgent works will include:

- a) Establish secure site compound around whole site and security monitoring.
- b) Erect protective boarding around the sensitive fabric of the key buildings, such as the portico columns and the listed sculpture.
- c) Make the roof weathertight – temporary repairs such as bitumen felt in parapet gutter and over hips and ridge.
- d) Clear downpipes and gutters of debris and vegetation.
- e) Temporary repairs to missing slates – new slates or felt repairs.
- f) Adequately ventilate the building. Unsure if existing ground floor window boarding is ventilated or solid. Ventilation should also include basements to prevent dry rot.

- g) If any windows are broken or open these should be repaired or boarded up (with through ventilation) to prevent access or pigeons. Due to access difficulties it's unknown whether propping is required internally.
- h) Secure the building. Both externally and via other buildings on the site as they are all interconnected. Carry out ongoing security checks.

These works are necessary to arrest the deterioration of the building group, protect the listed building and reduce potential repair costs. Officer's recommend that these works are undertaken within phase 1 and that this phasing is agreed and secured as an obligation in the S106 agreement.

Phase 1- Site enabling & Urgent Works to buildings 1,2 &3.

Enabling works will involve site clearance and construction of development platform for retail element (Building 6). Once Buildings 1,2& 3 are weatherproof and watertight Surveys and inspections to determine the scope of repairs and establish a clear construction programme.

Phase 2- Preliminary construction works Buildings 1,2,3 & detailed design for the new-build residential and construction of retail plot.

Phase 3- Completion of development of buildings 1,2 & 3 and the new build apartments.

The S106 Legal Agreement will tie the completion and occupation of the listed buildings to relevant stages of the construction of the new build apartments on the northern part of the site (subject of the outline planning application) This will require imposition of suitable triggers to ensure that the development of Building 1,2, and 3 is secured and implemented as a single construction project.

Officers consider that the urgent works identified are unlikely to exceed sum of £500K included within the applicants own VA attributed to make the building wind and water-tight. Should the cost of the urgent works fall below £500k these funds can go towards the surveying and construction costs associated with later phases of the conversion of the primary listed building.

The applicants have not agreed to the phasing outlined above and have been invited to respond on the matter. Any response will be included within the planning update

Housing issues

- 10.82 Kirklees Strategic Housing Market Assessment (SHMA) identifies that there is significant need for affordable 3+ bedroom homes in Huddersfield South, along with a lesser need for 1-2 bedroomed properties. There is an additional housing need in the area, specifically for older people. Rates of home ownership are low compared to other areas within Kirklees

There is significant demand for affordable 3+ bedroom homes in the area, along with demand for 1 and 2 bed dwellings. The applicant proposes studio, 1, 2 therefore a mixture of these would be suitable for this development.

Under the National Planning Practice Guidance (NPPG) 'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a

proportionate amount- equivalent to the existing gross floor-space of the existing buildings through Vacant Building Credit (VBC)

VBC is applicable to this scheme resulting in the removal of all the affordable housing requirements in this scheme.

The provision of 229 units would contribute towards the Council's housing delivery targets as set out in the Local Plan.

Highway issues

- 10.83 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe

The revised scheme (August 2020) comprises as follows:

Full Application (Buildings 1, 2, 3 & 6)

- A1 Shops – 1,998sqm Foodstore;
- B1 Business – 1,866sqm Office; and
- C3 Dwelling Houses – 32 Apartments.

Outline Application (Buildings 4 & 5)

- B1 Business – Up to 15,004 Offices; or
- C3 Dwelling Houses - Up to 197 Apartments.

Traffic Generation

The application is supported by a Framework Travel Plan and a revised Transport Assessment and Framework Travel Plan Dated July 2020 (Rev 2) prepared by Optima Intelligent Highway Solutions. The submitted Transport Statement assesses the traffic impact of a development of various scenarios in trip generation terms.

The development as a whole is expected to generate a total of 269 two- way vehicular movements in the AM peak and 309 two- way vehicular movements in PM peak respectively. Highways Development Management considers the trip rates utilised to be acceptable in this respect.

Site access.

Access/egress to the site is to be taken via four points the proposed food store via Trinity Street with egress for HGV's taken via Portland Street and the residential/office element will take access/egress via Portland Street.

Parking provision

The total parking provision for the development is 255 parking spaces, of which 127 are proposed for the A1 foodstore. This leaves 128 spaces for the remainder of the development, given the sites context and location (Town Centre), along with proposed cycle parking is considered acceptable in this respect. Whilst its acknowledged a framework Travel Plan has been submitted, a full Travel Plan will be required to ensure sustainable travel measures are provided, this will be dealt with via suitable condition. Parking figures taken from Transport Assessment.

An additional highway improvement scheme is also to be delivered in the direct vicinity of the proposed development to improve pedestrian and cycle links to the town centre, would be conditioned and delivered by an agreed section 278. (This would require a financial contribution and the scheme has been subject to Viability appraisal as reported in the viability section of the report).

Servicing/refuse

An indicative arrangement for the service vehicle to the food store has been provided, no further information is provided for the refuse storage and collection for the remainder of the development, this will be conditioned accordingly.

Safety audit

A stage 1 safety audit and designers response has previously been requested, as this has not been provided a suitable condition to cover the proposed highway works and access arrangements onto the highway is required.

Subway improvements

Concerns are raised regarding pedestrian safety in the existing underpass connecting the development to the town centre, an upgrade to the existing lighting is requested as part of this development and would be conditioned. (This would require a financial contribution and the scheme has been subject to Viability appraisal reported in the viability assessment).

Overall the proposal is considered acceptable subject to relevant conditions

Drainage issues

- 10.84 NPPF paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case. The site was larger than 1 Hectare and therefore a Flood Risk Assessment (FRA) and submitted that considered the risk of flooding

The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:

- 1 – into the ground (infiltration)
- 2 – to a surface water body
- 3 – to a surface water sewer, highway drain, or another drainage system
- 4 – to a combined sewer

Ground conditions at the site mean that soakaways are not considered a feasible drainage option for the disposal of surface water. The existing site drains to the public combined sewer system and Yorkshire Water has confirmed that the proposed development can discharge to the public sewer system at the 1 in 1 year rate less 30% subject to provision of detailed calculations and drainage connectivity survey. Flood risk to the proposed development from all sources is low, with the exception of localised surface water overland flows.

Yorkshire Water has confirmed that foul flows can connect to the existing combined sewer around the site.

The Lead Local Flood Authority (LLFA) support the development proposed. Conditions will require details to be submitted of scheme detailing finalised foul, surface water and land drainage, intrusive investigation into the possible enclosed watercourse inside the southern boundary, surface water discharge rates, interceptors and prevention methods of preventing contaminated drainage. The arrangements for the future maintenance and management of drainage infrastructure within the site are also required. The proposal accords with Local Plan policies LP27, LP28 and NPPF chapter 14 with regard to its potential impact on local flood risk and drainage.

Climate Change

- 10.85 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal involves will recycling of a brownfield site and this regard represents an efficient use of land and resources. The site is at close proximity to key transport hubs and in terms of location the site is sustainable. The re-use of the listed buildings would secure a significant saving of embodied energy. The provision of electric vehicle charging points will be secured by condition which will help to mitigate the impact of this development on climate change. Suitable cycle storage facilities are also proposed and areas of landscaping will be enhanced with planting as well as the retention of existing trees where possible.

Representations

10.86 - Area is of significant importance to Huddersfield

- proposed new building elevations do not in any way respond to the 'Infirmery' the one listed building the developers are proposing to leave standing.

- the site does need to be developed but for such an important and visible area of Huddersfield an increased effort is required from this developer in respect of his proposed facade designs

Officer response: The site is adjacent to the ring road and is very prominent and is important that the sites redevelopment enhances the area and balances the site's potential whilst being an appropriate scale given the heritage assets upon and adjacent to the site. The outline part of the site to the North does not include details of appearance. The visual material submitted with the application is for indicative purposes only.

- profound impact the setting of the listed Infirmery building, which, as a Grade 2* building is considered of regional importance. Massing, articulation and fenestration, particularly those adjacent to the Infirmery, fail to reflect the architectural quality of the listed building and the town's distinctive architectural quality

- **Officer response** - Original comments from Huddersfield Civic Society have been updated with the revised scheme in Aug 2020. These are addressed in the Heritage section of the report

2020 - Revised Scheme:

- How happy I am to hear this and sincerely hope this application is successful.
- After 5/6 years and numerous callouts of the emergency services – both Police and Fire
- Site is a complete eyesore for visitors to this historic town putting Huddersfield in a very poor light indeed.
- The property is being used by many of the homeless community as a public convenience – and this I see on a daily basis

Officer response- The assessment of the scheme has recognised the impacts that the current condition of the derelict buildings is having upon the area and the social issues that are involved in developing this site.

- Huddersfield Civic Society- welcomes retention and conversion of those buildings marked Buildings 1,2 and 3 on the submitted plan
- Notes the applicant states, this drawing shows an indicative design only

- Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street
- strong objection to the elevational details of the proposed supermarket and related car parking and would appear to achieve even lower standards of design than existing college buildings
- contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town
- greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting.
- introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the original application.
- By accepting the changes as a revision the opportunity for members of the public to submit comments has been reduced from the time frame allowed

Officer response: The hybrid application is supported by a viability appraisal that demonstrates the very challenging nature of developing this site and preserving through adaptation and use its key heritage assets. It is considered that through the course of the application the scheme has evolved from one at significantly greater scale and impact to one that has achieved a favourable balance where the positive elements of the development outweigh the identified elements of harm.

11.0 CONCLUSION

- 11.1 There are a number of significant planning issues associated with this application, not least heritage assets and the viability of the site and development.
- 11.2 The Grade II* status of the primary listed building means that it is in the top 8.3% of listed buildings in England. The building is however in poor condition and very considerable weight is therefore attached to the proposed restoration and conversion of the former infirmary building and its wings, which is supported by Historic England. The re-use of these important heritage assets can only be realised with a substantial amount of new build development on the wider site which does involve the demolition of buildings of cultural importance. The site also contains a grade 2 statue and partly falls within a Conservation Area.
- 11.3 The conclusions of the viability of the scheme means that the scheme is unable to deliver education, POS or contributions towards local Highway improvements and also a reasonable return for the developer which may affect the deliverability of the development. The public benefits of the scheme include restoration of a grade 2* listed building, regeneration of highly prominent derelict site within the Town Centre and the significant level of investment with employment opportunities through the redevelopment of the site as a whole. These benefits are considered to outweigh the less than substantial harm identified to some of the heritage assets. Highway impacts

of the development are considered to be acceptable as are the impact on trees and ecology.

- 11.4 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.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

Full Permission

- 1) Time scale for implementation (three years)
- 2) Development to be carried out in accordance with approved plans
- 3) Detailed scheme for the conversion Listed Building works (scope of repair and refurbishment)
- 4) Approval of samples and details of materials for existing and proposed windows and doors and flooring etc
- 5) Details of fire escapes, replacement ironmongery, fixtures and fittings
- 6) Method statement for stone cleaning
- 7) Details of curtain walling system
- 8) A landscaping plan use of natural stone setts, flags and walling,
- 9) Retail store -samples to be submitted walling and roofing materials along with a sample panel of the external masonry, coursing and pointing.
- 10) Boundary treatments and landscaping scheme
- 11) Full Travel Plan required to be submitted
- 12) Details to be submitted of Highway works required to site frontage
- 13) Details to be submitted of Surfacing and draining of car parks
- 14) Method storage/collection of waste
- 15) Details to be submitted Subway lighting improvements
- 16) Stage 1 safety audit to be submitted
- 17) Details to be submitted Closure of existing access points onto highway.
- 18) Development e in accordance with the e Bat Survey Report
- 19) Ecological design strategy (EDS) to be submitted
- 20) Hours Open for Customers and Deliveries and Dispatches
- 21) Details of Noise from Fixed Plant & Equipment
- 22) Noise Management Plan - Condition
- 23) Construction Environmental Management Plan - Condition
- 24) Land contamination -conditions
- 25) Electric Vehicle Charging Points
- 26) Details of External lighting to be submitted
- 27) DR01 Drainage Details scheme details of foul, surface water and land drainage
- 28) DR02 Watercourse Management -intrusive investigation
- 29) Surface Water Attenuation scheme- restricting the rate of surface water
- 30) DR08 There shall be no discharge of foul- Fats Oils and Grease-
- 31) DR20 Interceptor Surface water vehicle parking and hard standing areas shall
- 32) Land Contamination conditions

Outline Permission

- 1) Details of the Reserved Matters.
- 2) Time limit for submission of Reserved Matters.
- 3) Time limit for commencement of development.
- 4) Submission of Reserved Matters (layout) broadly in accordance with the Parameters Plans to a maximum of 197 dwellings.
- 5) Full Travel Plan required to be submitted
- 6) Details to be submitted of Highway works required to site frontage
- 7) Details to be submitted of Surfacing and draining of car parks
- 8) Method storage/collection of waste
- 9) Details to be submitted Subway lighting improvements
- 10) Stage 1 safety audit to be submitted
- 11) Development to be in accordance with the e Bat Survey Report and
12th August 2020
- 12) Ecological design strategy (EDS) to be submitted
- 13) DR01 Drainage Details scheme details of foul, surface water and
land drainage
- 14) DR02 Watercourse Management -intrusive investigation
- 15) Surface Water Attenuation scheme- restricting the rate of surface water
- 16) DR08 There shall be no discharge of foul- Fats Oils and Grease-
- 17) DR20 Interceptor Surface water from vehicle parking and hard standing areas
shall be
- 18) Development in accordance with noise impact assessment mitigation measures
- 19) Land Contamination conditions

Background Papers:

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed: