KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2019/62/92185/W
Site Address:	1A, Lord Street, Huddersfield, HD1 1QA
Description:	Alterations to convert vacant ground floor shop to 5 studio apartments (within a Conservation Area)
Recommending Officer:	Nick Hirst

DECISION - REFUSED

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

Teresa Harlow

AUTHORISED OFFICER

Date: 28-Aug-2019

Application: 2019/62/92185/W

Site: 1A, Lord Street, Huddersfield, HD1 1QA

Proposal: Alterations to convert vacant ground floor shop to 5 studio apartments (within a Conservation Area)

Site Description

Prominent building located at the corner of Lord Street and Beast Market. The building has a curved frontage with a ramped access to one side. The building is constructed of ashlar stone.

The building is currently vacant. It has previously been used for an A1 or A2 use on the ground floor and offices on the upper floors.

The site lies within Huddersfield Town Centre. It is also within a Conservation Area. The property is attached to a listed building (7-9 Beast Market).

Description of Proposal

The ground floor is to be converted into five studio apartments. Each would have a dedicated cooking station and enclosed shower room with toilet as facilities. The units' size range from 18.5m^2 to 25.2m^2. The studio apartments would be accessed from a shared hallway, which would also give access to a common room shared between the five units, with a floor area of 13.3m^2.

Externally, the existing shop windows at ground floor level on the frontage would be altered. This includes walling infill panels up to cill level, of natural stone. New natural stone heads, cills and mullions, with triple glazed UPVC windows styles to look like sliding sash units would be installed. A blocked up window on the north elevation would be re-opened and designed to match those on the frontage.

Access would be through an existing entrance on the north facing side elevation. This leads into a circulation space, with stairs leading up to the first and second floors. Waste storage would be kept on the north elevation.

Relevant Planning History

<u>Application Site</u>

90/03851: Change of use of basement and ground floor of shop to class A2 Use – Conditional Full Permission

2008/91483: Formation of access ramp (within a conservation area) – Conditional Full Permission

2018/91684: Prior approval for change of use from office (B1) to 14 student apartments – Prior Approval Granted

Note: This applied to the building's first and second floors.

Surrounding Area

Palace Studios

2011/93327: Change of use and alterations to convert former theatre to 23 student apartments with communal laundry and gymnasium, partially retaining existing bar/restaurant – S106 Full Permission

Oldgate House

2013/90692: Change of use from offices (B1) to student accommodation (C2), installation of new fenestration, external lift shaft and bin/cycle store – S106 Full Permission

History of Negotiations

Officers expressed concerns over the amenity of occupiers, both due to the small scale of the units and the lack of privacy, as well as the impact on the historic environment. It was not considered that balanced amendments could be suggested which would overcome all of the concerns raised, therefore recommendations were not recommended.

Representations

Final publicity date expired: 14.08.2019

No public representations were received.

Consultation Responses

K.C. Conservation and Design: Object to the proposal.

K.C. Environmental Health: No objection subject to condition.

K.C. Highways: No objection.

Planning Policy

Kirklees Local Plan (KLP)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is Unallocated on the LP Policies Map, within Huddersfield Town Centre Local Centre and the Huddersfield Town Centre Conservation Area.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Effective and efficient use of land and buildings
- **LP13** – Town centre uses
- **LP14** – Shopping frontages
- **LP15** – Residential uses in town centres
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP25** – Advertisements and shop fronts
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **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

Other

- DCLG: Technical Housing Standards – Nationally Described Space Standard

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity

2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land allocation

The site is without notation on the KLP Policies Map. LP2 states that;

> *All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...*

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

1.3 – Change of use

The building's ground floor is currently vacant and has been for some time. Its last use is noted to have been either A1 or A2. There is no Certificate of Lawfulness to confirm this however. Nonetheless, the loss of A1 and A2 requires similar consideration.

The site is within Huddersfield Town Centre Local Centre, however it is neither primary nor secondary shopping frontage. Therefore no Local Plan Policy requires the specific protection, or the prevention of conversion, of the site's last commercial use. Conversely both LP15 and LP17 encourage appropriate residential uses within Huddersfield Town Centre. This includes the consideration of specific criteria, which will be considered where relevant in this assessment.

Turning to residential development in general, in the recently adopted Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).

Recent amendments to National Planning Practice Guidance have revised the Housing Delivery Test measurement for local planning authorities and a technical note on the process used in its calculation. Results for 2018 (published 19th February 2019) show that housing delivery in Kirklees over the period 2015-2018 was 75% of the number of homes required by the test. This means that the council must produce an Action Plan within six months of the test results being published and continue to apply a 20% buffer to the five year housing land supply requirements. In summary the council can currently demonstrate a 5-year supply of deliverable housing sites, with appropriate buffer. Notwithstanding this, windfall sites contribute to housing delivery.

LP7 establishes a desired target density of thirty-five dwellings per hectare. The proposal far exceeds this target. However, given the specifics of the proposal; being a conversion seeking flats, within an existing town centre building, officers do not considered it necessary to strictly apply LP7's criteria.

Given the above, principle of residential development is considered appropriate for this site, subject to an assessment of the development's local impacts.

2 – Impact on visual amenity, including the Huddersfield Town Centre Conservation Area and adjacent listed buildings

LP24 of the Local Plan outlines general design guidance. The Policy seeks to promote good design, by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. This conforms to the general guidance of Chapter 12 of the NPPF.

Furthermore, the site is located within the Huddersfield Town Centre Conservation Area and is adjacent to several Grade 2 and Grade 2* Listed Buildings. Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of Listed Buildings and Conservation Areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and the setting of listed buildings. Regarding planning policy and the historic environment, LP35 and NPPF Chapter 16 outline the principle of development and restrictions for development that impacts upon buildings of heritage value.

Specific to Huddersfield Town Centre, LP17(a) requires development to *'preserve and enhance the towns' cultural and architectural heritage'.* LP17(h) seeks to '*retain and regenerate key historic features of the town centre'* and LP17(i) to '*retain and refurbish traditional shop fronts wherever practicable'*

1a Lord Street is a prominent three storey unlisted building (with attics) within the Huddersfield Town Centre Conservation Area, constructed with ashlar stonework on a curved façade facing Lord Street and Beast Market and with well-detailed arched window surrounds and sash windows. The building is considered to be an undesignated heritage asset by Officers and K.C. Conservation and Design. The property makes a positive contribution to the character and appearance of the conservation area.

The existing shop fronts have stone plinths and timber window frames with extensive glazing and transoms, along with glazed timber doors with top lights in timber frames. Some openings have been altered. The applicant proposes recessed infill sections within the shop fronts constructed in natural stone up to a new cill level, with the introduction of ranges of uPVC windows style to look like sliding sash windows set into stone surrounds with mullions. The internal subdivision and external alterations proposed would prevent the historic use from being readily evident or understood. The proposed alterations to the shop fronts break up the historic shop front's design and creates a cluttered effect with no consideration of the characteristics and aesthetics of the exterior of the building.

The heritage statement does not provide any justification for the configuration of the proposed external alterations and there is no evidence that more sympathetic designs have been explored. The application site is acknowledged to be a non-designated heritage asset. Paragraph 197 of the NPPF requires a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. However, given that the building is of historic origins, prominently sited within a Conservation Area while being viewed alongside various Grade 2 and Grade 2* Listed Buildings. K.C. Conservation and Design consider these interventions, particularly the alterations to the pattern of fenestration, and use of uPVC windowsto cause less than substantial harm to the character and significance of the cumulative historic environment. Planning officers concur with this assessment, although the harm is not considered to specifically affect the setting of the Grade II* listed church.

In accordance with Paragraph 196 of the NPPF consideration is required as to whether any public benefits of the proposal outweigh the identified harm. This is stated to include securing a building's optimum viable use. No public benefits of the proposal have been put forward by the applicant. Officers consider the benefits to be bringing the building back into use and providing housing.

First considering bringing the building back into use, as officers have identified there is no 'in principle' objection to a residential conversion. However the proposed external works would cause less than substantial harm for the

reasons noted. No information has been provided which explores how and why the current scheme has been reached or discounting whether a less intrusive/more sensitive external appearance could be reached. Without this evidence, officers give limited weight to bringing the building back into use.

Turning to the provision of housing argument, this is supported by policy with a particular desire for bringing greater residential into town centres. Conversely, the council currently have a five year housing land supply and numerous vacant buildings within town centres available for conversion. Furthermore, for reasons to be explored below, the quality of the proposed residential units is considered unacceptable. Therefore officers afford limited weight to the provision of residential units.

The proposed development would be visually unattractive and detract from the building's existing visual appearance. It would result in an incongruous building within Huddersfield Town Centre Conservation Area that fails to respect the established historic environment. Less than substantial harm would be caused to the historic environment, with no public benefits being considered to existing which outweigh the harm caused. The proposal is considered to be in breach of LP17, LP24 and LP35 of the Local Plan and Chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity

Policy LP24(b) requires development to provide a high standard of amenity for future and neighbouring occupiers. Specific to residential uses within town centres LP15(d) requires '*the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality'*. These requirements conform to the aims and objectives of Chapter 12 of the NPPF.

First considering the impact on neighbouring residents, no physical works are proposed to cause harmful overbearing or overshadowing on neighbouring land. Regarding overlooking, the proposed units would face directly onto the pavement / public land and not face in close order 3rd party land. The first and second floor of the building have an extant permission for conversion to residential. However residential uses adjacent to one another are consider to be compatible. Therefore officers are satisfied that there would be no harm caused to the amenity of neighbouring residents.

Consideration must be given to the amenity of future occupiers. Reviewing internal floor area, each of the units falls below the recommended minimum of 39m^2 within the 'Technical Housing Standards' (for 1 storey 1p1b). The smallest units, at 18.5m^2, are less than half of the recommended minimum. It is noted that residents would have use of a shared common room, however at 13.3m^2 and with no windows, split between five residents, the amenity value it would provide would be limited and residents can be expected to spend the majority of their time contained within their individual studio.

Officers consider that the small floor area of the proposed units would not provide the 'high standard of amenity for future occupiers' required by both LP24(b) of the LP and Paragraph 127(f) of the NPPF. This concern is exacerbated by concerns over privacy. Each of the proposed units would be served by either two or three large windows which directly front onto the public highway on the same level within a busy town centre. This would significantly limit the privacy that residents would enjoy, both through the day and in the evening (considering the presence of night-time economy uses nearby). The privacy residents could expected would below that which can be expected from upper floor residential units in a town centre or those in less busy areas. While an option would be to either obscure the windows or install curtains, this would exacerbate officer concerns over the small floor area by creating box-dwelling living.

The Technical Housing Standards are not an adopted planning document for the LPA nor are they referenced within the Kirklees Local Plan. LPA Policies require an assessment of a site on its own merits. Of relevance to the proposal is application 2018/91684, which approved the residential conversion of the building's first and second floors to an identical layout (and therefore room size) of that currently proposed. Nonetheless, 2018/91684 was a Class O Prior Notification application. Other than the impact of noise pollution, residential amenity is not a material planning consideration of a Class O application (as dictated by O.2(1) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as modified)). As 2018/91684 was not assessed against the same policy framework, officers afford it limited weight in the planning balance.

Other examples of modern residential units nearby include Palace Studios (2011/93327) and Oldgate House (2013/90692). While Palace Studio has examples of 18m^2 bedrooms, these are part of multi-occupancy flats which have generous (in excess of 40m^2) communal living and kitchen areas. Oldgate House has examples of studios of 20m^2. This itself is larger than the proposed minimum, in addition to the building has larger shared accommodation, is sited in a less busy area and the units are part of a much larger student accommodation development. Therefore the proposal is considered to not be comparable to nearby examples when considering the area's typical standard of amenity.

Turning to noise impact, the proposed development is in a location that is likely to have high external noise levels from road traffic and also activities associated with the night time economy. No information has been provided regarding an assessment of the existing noise levels or any proposed noise mitigation measures.

From other recent applications in the vicinity, with 2018/91684 being of particular note, it has been demonstrated that it is possible to provide sufficient noise mitigation measures to achieve satisfactory indoor noise levels. Accordingly, Officers and Environmental Health do not consider it necessary to require a noise assessment before determining the application. However a condition requiring a noise assessment and noise mitigation

proposals would be considered necessary to identify and implement appropriate noise mitigation before the development tis brought into use.

The proposed development has been identified as being harmful to the amenity of future occupiers. Therefore the proposal fails to comply with LP15(d) and LP24(b) of the LP and Chapter 12 of the NPPF in relation to residential amenity.

4 – Impact on highway safety

The proposal would not interfere with existing sightlines or distract passing drivers.

No off-street parking is provided for either the existing or proposed uses. As Lord Street is a main adopted highway in Huddersfield town centre, the location is close to many local amenities and public transport links and is considered to be in a sustainable location.

Highways DM support this assessment and request no specific conditions.

Officers are satisfied that the proposal would not harm the safe and efficient operation of the Highway, in accordance with LP21. Bin storage facilities, close to the entrance, are acceptable both in terms of highway safety and amenity.

5 – Other matters

5.1 – Air quality

The proposed development is located within a declared Air Quality Management Area and is quite close to the ring road and other busy roads in the town centre. However, K.C. Environmental Health consider that the National Air Quality Objectives are unlikely to be exceed at this location therefore Air Quality mitigation measures are not required. Also there is no parking associated with the development; therefore electric vehicle charging facilities are not required.

6 – Representations

No public representations have been received.

7 – Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Refuse

Application Number: 2019/92185
Decision Authorisation: Delegated Powers
Officer Recommendation: Refuse

Reason(s) for Refusal

1. The proposed alterations to the shopfront, to form residential units, would detract from the character and appearance of the host property and the wider area. This would cause less than substantial harm to the significance of the Huddersfield Conservation Area and the setting of nearby listed buildings. There are considered no public benefits which outweigh the harm caused to the identified heritage assets. To permit the proposed development would be contrary to the aims and objectives of Policies LP15 (b), LP17 (a and h), LP24 (a) and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

2. The scale of the proposed studio units, specifically their internal floor area, are of an insufficient size to provide an acceptable standard of amenity for future occupiers. Furthermore future residents would have limited privacy due to the only habitable room windows being on the level of, and facing directly onto, a public highway within a town centre location. Therefore the proposed development would not secure a high standard of amenity for future occupiers. To approve the application would be contrary to the aims and objectives of Policies LP15 (d) and LP24 (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Grouped Plans and Elevations	17319 / SK – 05	Rev. C	04.07.2019
Location Plan	17319 / SK – 06	Rev. A	04.07.2019
Block Plan	17319 / SK – 07	Rev. A	04.07.2019
Existing Grouped Plans and Elevations	17319 / SK – 08	Rev. C	04.07.2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers expressed their concerns to the applicant. However, as officers were unable to make recommendations which would satisfactorily overcome all of the concerns raised, it was resolved to refuse the proposal as submitted.

Report Dated: 27.08.2019