

**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: 2020/62/90289/W

Site Address: first and second floors, 9-15, Cloth Hall Street,
Huddersfield, HD1 2DX

Description: Alterations to convert offices (B1) to 8 residential units
(C3) (Listed Building within a Conservation Area)

Recommending Officer: Stuart Howden

DECISION – CONDITIONAL FULL PERMISSION

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

Emma Thompson

AUTHORISED OFFICER

Date: 28-Oct-2020

Officer Report

Site Description

First and second floors, 9-15, Cloth Hall Street, Huddersfield.

The site occupies a three-storey, Grade II Listed building that inhabits a jeweller's and opticians at ground floor level and vacant offices at first and second floor level. The building is located on Cloth Hall Street within Huddersfield Town Centre Conservation Area and Huddersfield Town Centre Primary Shopping Area. The street is made up of mixed use buildings, most occupied by retail at street level with offices or residential above.

Description of Proposal

Alterations to convert offices (B1) to 8 residential units (C3) (Listed Building within a Conservation Area).

The application seeks to convert currently vacant offices into 8 residential units. The units would be a mixture of studio's, one bed roomed and two-bed roomed apartments.

History of negotiations/amendments received

Initially there were concerns regarding residential amenity due to the sub-standard internal floor space of a number of the units. As stated in the 'national housing standards', for one bed one person (1b1p) units, officers seek a minimum internal floor space of 37sqm and for two beds four people (2b4p) units, officers seek a minimum internal floor space of 70sqm. As per the above, Unit 2, Unit 5, Unit 7 and unit 8 did not meet these standards and as such raised significant concerns in regards to an unacceptable standard of living for future occupiers. Amendments were received on 27th May 2020, reducing the number of units from 9 to 8 (one being revised to a two-bed roomed unit). Additionally, a ground floor entrance plan was requested showing the location of waste storage and collection. This was received on 1st September 2020.

Relevant Planning History

2020/90290 – Listed Building Consent for Alterations to convert offices (B1) to 8 residential units (C3) (Listed Building within a Conservation Area). – *Allied planning application recommended for approval.*

Representations

Final publicity date Expires:

Neighbour letters expire 7th April 2020; site notice expires on 23rd March 2020; Press advertisement expires 10th March 2020.

Whilst amendments were received after the above dates, it was not considered necessary to re-advertise the application as the amendments would not intensify the use on site as the number of units have been reduced.

No representations were received.

Parish/Town Council comments:
Not applicable.

Consultation Responses

K.C Environmental Health – No objections.

K.C Highways Development Management – No objections.

K.C Crime Prevention – No objections.

K.C Conservation and Design – No objections subject to the condition listed in the Listed Building Consent application.

Historic England – No comment.

National Amenity Society – No comments to date.

Policy

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 located within Huddersfield Town Centre Conservation Area and Huddersfield Town Centre Primary Shopping Area with secondary shopping frontage on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP14 – Secondary Shopping Frontage**
- **LP 15 – Residential use in Town Centres**
- **LP 21 – Highway Safety and Access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 35 – Historic environment**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, 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 7 – Ensuring the viability of town centres**
- **Chapter 12 – Achieving well-designed places**
- **Chapter 14 – Meeting the challenge of climate change, flooding and coastal change**
- **Chapter 16 – Conserving and enhancing the historical environment**

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

Principle of development:

The site is located within the Huddersfield Town Centre Conservation Area on the proposals map of the Kirklees Local Plan.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Furthermore Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment are also relevant.

LP35 states that: *‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.*

Paragraph 85(f) of the NPPF states that: *‘Planning policies should recognise that residential development often plays an important role in ensuring the*

vitality of centres and encourage residential development on appropriate sites.'

Policy LP14 relates to shopping frontages of which the site falls under the secondary frontage. Within the secondary shopping frontage, at street level, proposals for retail and other main town centre uses will be acceptable. As the proposals relate to the upper floors existing uses will be retained at street level as required by Policy LP14.

Policy LP15 of the Kirklees Local Plan takes guidance from the NPPF and states that: *'Proposals for residential uses (including student accommodation) within the defined town centres as set out on the Policies Map will be supported subject to a) Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses; b) the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings; c) the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area.'*

The proposals would comply with the aforementioned policies through providing residential accommodation within Huddersfield Town Centre Primary Shopping Area whilst protecting the character of the centre by utilising the first and second floor of 9-15 Cloth Hall Street and retaining the existing ground floor use.

The host property is also a Grade II Listed Building (Historic England Ref: 1313835) meaning that the application is to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states: *'In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

The properties listing description is set out below.

CLOTH HALL STREET 1. 5113 (South Side) Nos 9 to 15 (odd) SE 1416 NW 1/376 II 2. Early C19. Hammer-dressed stone. Pitched stone slate roof. 3 storeys. Continuous sill bands. Stone brackets to gutters. 5 ranges of stone mullioned tripartite sashes in plain raised surrounds. 1 range of sashes. Modern shops.

The National Planning Policy Framework sets out how Local Planning Authorities are to determine planning applications that impact upon Listed Buildings and Conservation Areas, and in particular Chapter 16, that relates to the importance of the historic environment.

Paragraph 190 of the NPPF states that: *'Local planning authorities are to identify and assess the significance of any heritage asset that may be affected by a proposal... they should take this into account when considering the*

impact of a proposal on a heritage asset's conservation and any aspect of the proposal.'

Paragraph 192 goes on and states that Local planning authorities should consider: *'a) the desirability of sustaining and enhancing the significance of heritage assets...'* *'b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality' and; 'c) the desirability of development making a positive contribution to local distinctiveness' when determining these applications.'*

While the consideration of the heritage assets is acknowledged, policy establishes a strong principle in favour of residential accommodation within town centres. A detailed consideration of the impact on the heritage assets will be considered below, in this instance, it can be stated that the principle of development of this application is acceptable and as a result, is subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise.

Impact on visual amenity and heritage:

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage, assets and landscape..'

In regards to visual amenity, it is apparent that care has been taken in order to design the units to work with the existing fenestrations resulting in no disturbance to the front elevation. As such, the proposed development is not considered to harm the visual amenity of the street scene being retained as present.

Regarding heritage, 9-15 Cloth Hall Street is a grade II listed building dating from the early 19th century. The interiors of the parts of the listed building have been substantially altered over time. What were once large warehouse spaces have been subdivided with modern partition walls. Architectural features of interest include the existing windows, a barrel-vaulted coffered

ceiling, an impressive timber staircase and an unknown feature on the first floor which has not yet been exposed.

The proposed development would result in the reconfiguration of the internal layout. This would cause minimal harm to the significance of the listed building. No works are proposed to the windows as part of the development.

Subject to conditioning further investigation of the feature at first floor which will be conditioned in the Listed Building Consent application, Conservation and Design have no concerns regarding the proposed development, particularly with regard to Policy LP35 of the Local Plan and paragraph 192 of the NPPF as it is considered that the change of use would secure a viable new use for the listed building.

For the reasons set out above the proposed development is considered acceptable in terms of visual amenity and heritage.

Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

'...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers'.

Initially there were concerns regarding the quality of the amenity of future occupants due to the sub-standard internal floor space of a number of the units. As stated in the 'national housing standards', for one bed one person (1b1p) units, officers seek a minimum internal floor space of 37sqm and for two beds four people (2b4p) units, officers seek a minimum internal floor space of 70sqm. As per the above, Unit 2, Unit 5, Unit 7 and unit 8 did not meet these standards and as such raised significant concerns in regards to an unacceptable standard of living for future occupiers. Amendments were received on 27th May 2020, reducing the number of units from 9 to 8 (one being revised to a two-bedroomed unit). This has resulted in the increase of space to the units, however unit 6 (1b1p) which is 32sqm and unit 4 (max. 2b4p) which is 67sqm remain around 3-5sqm below what would normally be acceptable. Having discussed this further, the agent has confirmed that another reduction in the number of units would not be financially viable. Furthermore weight should be afforded to bringing the upper floors of a vacant Grade II Listed Building back into optimum viable use without impacting on its significance. Taking these points into account, in addition to the space being marginally under the space standards, the proposed development is considered, on balance, acceptable.

In terms of bedroom size, plans indicate that all units would provide two bedspaces. The technical requirements to provide two bedspaces require the bedroom to have a floor area of at least 11.5sq.m. All bedrooms in each of the units have been measured and meet these requirements. As such, the proposed bedrooms would comply with the technical requirements therefore are considered acceptable.

In terms of accessing natural light, all units would utilise the existing openings and all but one of the units have over two windows (unit 2 has one window) serving the habitable rooms. Notwithstanding this, unit 2 would have one large window on the front elevation that would serve the bedroom area and kitchen/living area where most of the time will be spent. Given the size of this window along with its location, this is considered acceptable in terms of amenities.

In terms of overlooking and privacy, given the location of the units and layout relative to other buildings it is considered that maintaining existing distances replicates relationships within the town centre. The works relate to the upper two floors of 9-15 Cloth Hall Street set opposite or neighbouring existing commercial buildings. Distances maintained are around 10 metres. Due to the town centre context, existing uses in the area, in addition to the distance maintained to mainly publicly visible frontages, the use of the space for residential purposes is considered acceptable in this instance and would not lead to the loss of amenity for any existing or future occupants.

In regards to noise nuisance, K.C Environmental Health raised no objections to the proposal. Additionally, it is noted that each of the unit's bedrooms/living areas are vertically aligned or adjacent to one another. Furthermore, whilst the site is adjacent to other commercial properties, it is noted that the majority of these are either retail or office space therefore any noise nuisance is likely to be during the day. It would also be necessary to install soundproofing to comply with building regulations under separate legislation.

As such, taking into account the nature of the proposal, it has been considered that the future accommodation would offer a good standard of amenity in terms of access to natural light and floor space and as such would be acceptable in terms of residential amenities. For the reasons set out above, the proposed development would comply with LP24 of the Kirklees Local Plan and therefore is acceptable.

Impact on highway safety:

Highways Development Management were formally consulted and recognised that there is no parking provision provided with the application site. Notwithstanding this, given the site being located in the town centre, it is considered sustainable enough to negate the requirement for such provision.

Information regarding arrangements for the storage and collection of waste was received subsequent to Highways Development Management's consultee response and is shown on a plan ref: 19181-008. It is noted that this the storage and collection of waste would be located where the existing commercial waste is located to the rear. Given that this is an established location for waste and storage collection, no concerns have been raised.

For the reasons set out above, the proposal is considered acceptable in compliance with LP21 and LP22 of the Kirklees Local Plan.

Other matters:

Climate Change

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 pre-dates 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.

LP24(d) states that '*proposals should promote good design by ensuring high levels of sustainability through the re-use and adaptation of existing buildings*'.

In this instance the proposed development would re-use the existing floor space to utilise the un-occupied space on the first and second floor of 9-15 Cloth Hall Street. An efficient reuse of the building supports the aims of climate change. As the proposal would result in no additional built form and retain the existing footprint of the building the proposal would comply with LP24 (d) of the Kirklees Local Plan. Furthermore, the development would require Building Regulations Approval which would bring improvements to the building's envelope and insulation between the flats proposed.

K.C Environmental Health

K.C Environmental Health were formally consulted and after reviewing the application and supporting documents, it is considered that there would not be any significant environmental health impacts as a result of the development. As such, there are no objections to the scheme.

K.C Crime Prevention

Policy LP24 of the Kirklees Local Plan states proposals should promote good design by ensuring that: '*e) the risk of crime is minimised by enhanced security, the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features*'.

The agent has confirmed that a PAS24 doorset with a voice intercom system for each of the units would be installed for visitor access. Video intercom would not be installed as the cost benefit would not be there. Furthermore, it

is noted that given the location of the site in Huddersfield town centre, the area is well lit from existing street lighting.

The measures have been assessed by K.C Crime Prevention Officer who has made various recommendations to ensure that appropriate crime prevention measures are included in the proposal. These have been forwarded on to the applicant's agent.

Given the detail provided, combined with the recommendations K.C Crime Prevention Officer, it has been considered that the application has sufficiently included measures to ensure that the risk of crime for the site users is minimised and security is enhanced. The proposal is therefore considered to accord with Policy LP24 (e) of the Local Plan.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/90289

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policy LP24 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	19181-005	1	26 th February 2020
Existing First Floor Plan	19181-001	1	26 th February 2020
Existing Second Floor Plan	19181-002		26 th February 2020
Existing and Proposed Ground Floor Entrance Plan	19181-008	1	1 st September 2020
Proposed First Floor Plan	19181-003	C	27 th May 2020
Proposed Second Floor Plan	19181-004	C	27 th May 2020
First Floor Photo Ref	19181-007	1	27 th May 2020
Second Floor Photo Ref	19181-006	1	27 th May 2020
Design and Access Statement	-	1	26 th February 2020
Conservation and Heritage Assessment (1)	-	1	26 th February 2020
Conservation and Heritage Assessment (2)	-	1	26 th February 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Initially there were concerns regarding residential amenity due to the sub-standard internal floor space of a number of the units. Amendments were received on 27th May 2020, reducing the number of units from 9 to 8. Additionally, a ground floor entrance plan was requested showing the location of waste storage and collection. This was received on 1st September 2020.

Report Dated: 08/09/2020