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:	2020/62/90306/W
Site Address:	ground floor, 1 A, Lord Street, Huddersfield, HD1 1QA
Description:	Alterations to convert vacant ground floor shop to 4 studio apartments (within a Conservation Area)
Recommending Officer:	Nick Hirst

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 09-Jul-2020

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Application: 2020/62/90306/W

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

Proposal: Alterations to convert vacant ground floor shop to 4 studio apartments (within a Conservation Area)

Site Description

1 A, Lord Street is the ground floor of a 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.

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 four studio apartments. The units' sizes range from 20.0m^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 four units, with a floor area of 39.9m^2.

Three existing openings on the south elevation are to have their timber stall risers replaced with new stone cill and stone walling. The existing openings are to be retained; however new painted timber frames are to be installed. The windows serving habitable rooms are to be treated with reflective film to provide privacy. Two existing door openings are to be replaced by painted timber framed look a like door panels (fixed shut). A walled-up window on the north elevation is to be reopened, with timber framed window to match others on the elevation.

Access would be through an existing entrance on the north elevation. This is to lead to 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: The above relates to the building's first and second floors.

2019/92185: Alterations to convert vacant ground floor shop to 5 studio apartments (within a Conservation Area) – Refused

Note: Reasons 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.

<u>Surrounding Area</u>

Hotels Hall

2020/91699: Change of use of former night club (sui generis use) and Boy and Barrel pub (A4 use) at ground floor only to C2 residential institution (Listed Building within a Conservation Area) – Ongoing

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

St Peter's Church

2019/93789: Erection of porch entrance, fire escape enclosure, platform lift and formation of car park (Listed Building within a Conservation Area) – Ongoing

History of Negotiations

Officers requested further details over the proposed reflective glazing (including the functionality and acoustic properties), past marketing of the site and amendments on the design. These issues were addressed through further statements and amended plans.

Representations

Final publicity date expired: 13.03.2020

No representations were received.

Amended plans were received, however given the lack of public involvement and that the changes were limited in scope, re-advertisement was not considered necessary.

Consultation Responses

K.C. Conservation and Design: No objection subject to conditions.

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

K.C. Highways: No objection, with no conditions necessary.

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. The site falls within the Huddersfield Town Centre Conservation Area and within Huddersfield Town Centre.

- **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
- **LP17** – Huddersfield town centre
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP25** – Advertisements and shop fronts
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality

Kirklees Council Adopted Supplementary Planning Documents

Supplementary Planning Documents (SPD) build upon and provide more detailed guidance about policies in the Local Plan, carrying material weight in the determination of planning applications.

- Highways Design Guide SPD
- Huddersfield Town Centre Blueprint SPD

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 5** – Delivering a sufficient supply of homes
- **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
- MHCLG: National Design Guide

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) 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 within Huddersfield Town Centre

Huddersfield Town Centre is the subject of the Huddersfield Town Centre Blueprint SPD. The Blueprint SPD supplements Local Plan Policy LP17, which sets out the focus for new development in Huddersfield Town Centre. The Blueprint SPD vision reflects the strategic framework set by the Local Plan. The site falls into the St Peter's Focus Area within the SPDs, although the specific building is not identified as a 'key site or opportunity'. Other policies of relevance are LP13 (Town Centre Uses), LP14 (Shopping Frontages) and LP15 (Residential uses in town centres).

The proposal includes the loss of the site as an A1 use, changing to a C3 residential use. As the site is neither within a primary shopping area or primary shopping frontage, the Local Plan does not oppose the change of use

away from an A1 use. St Peter's Focus Area seeks to create a creative live/work environment, with leisure activities, therefore a residential use would not conflict with the SPD's aims.

Conversely, while the Local Plan establishes a general principle in favour of residential uses within town centres, this typically applies to upper floors. There is a general expectation to retain ground floors in active commercial uses. This is expanded upon within LP15, which states residential uses will be supported subject to:

> *a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;*
>
> *c. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,*

The applicant notes the above. However, they counter that the site has not been occupied by a retail use since 2013. Following a marketing exercise, including a follow up period at a below market rate, no interest was received over an 18-month period. To ensure occupation, the site is currently used for storage, on a peppercorn rent, for a neighbouring non-retail business. The applicant highlights the site's secondary location with the town centre, being removed from the Local Plan and SPD's identified retail core of New Street / King Street, and the continued location and national fall in retail interest and floor space since the last marketing exercise.

While it will be considered in greater detail below, officers are satisfied that the proposal would not prejudice existing neighbouring uses. It is noted that the upper floors have Prior Notification permission to convert to residential use. The applicant has also worked with Planners and Conservation officers to secure a design which retains the shopfront façade, ensuring the building retain an active frontage.

Weighing the above factors, giving particular weight to the site's location outside of both a primary shopping area, shopping frontage, its period of vacancy and the work the applicant has implemented to ensure an active frontage remains, on balance officers do not oppose the residential use of the building's ground floor. It should also be noted that, by virtue of the frontage being retained, should a commercial use for the site be identified as viable, only minor internal works (removal of partition walls) would be required to prepare the site for a new use.

2 – Impact on visual amenity

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 previous application on site, ref. 2019/92185, included harm to the visual amenity and the historic environment as a reason for refusal. The previous application included various alterations to the frontage which resulted in a harmful configuration that was not justified within the Design and Access Statement. Not only was it out of keeping with the building's historic origins, but it was visually unattractive.

It was evident when this application was submitted that greater consideration had been given to the design. Despite this, K.C. Conservation and Design raised concerns on certain details. This led to discussions between officers, C+D and the application. As amended, it is now considered that the proposal would revitalise the shopfront, retaining existing shop front features and returning others that had been lost by later alterations. This includes reinstating all the fanlights above doors and transforms on windows, in a way consistent across the frontage. Historic doorways are to be retained, fixed shut, along with their individual stone stairs being retained. Timber stall risers are to be replaced by stone. These alterations which enhance the frontage are to be secured by condition.

Notwithstanding the above, to address residential amenity concerns (considered below), the applicant is proposing the use of a one-way mirror film. The result will be a reflective appearance to all glass panels, which make up a large portion of the frontage. The applicant has provided examples of

where such a material has been used elsewhere, and officers do not consider it visually unattractive. The use of one-way mirror film, while not common, is not considered visually unacceptable for a town centre location, being an increasingly modern option. Conversely, the applicant has argued that its use will give the frontage a uniform and uncluttered appearance. K.C. Conservation and Design concur with this assessment and do not object from a heritage perspective. It is noted that as a film it will not have a lasting impact upon the historic environment, therefore having a neutral impact.

In conclusion, balancing the considerations officers consider the proposal visually attractive and would not appear incongruous within its setting. The proposal is considered to represent either a neutral impact or enhancement to the historic environment. Officers consider the proposal to comply with the aims of LP24 and LP35 of the KLP and Chapters 12 and 15 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.

Turning to the amenity of future occupiers, this formed a previous reason for refusal on the site, due to insufficient floor space per bedroom and lack of privacy.

First considering floor space, the proposal now seeks 4 bedrooms (compared to the previous 5). The space of the 5th bedroom has been merged into the shared living / kitchen. Taking into account the reduced number of bedrooms and their access to the good-sized shared living / kitchen, officers are satisfied that this issue has been overcome and the floorspace proposed in the studios -with additional shared facilities- is acceptable.

As ground floor flats with large windows directly onto the public highway/pavement, privacy was a previous reason for refusal. To overcome this the applicant is now proposing the use of a privacy film applied to the window, which converts it into one-way glass. In principle the use of the

material will allow occupants a view of the outside world, while protecting their privacy and would overcome the previous reason for refusal.

An issue with such film is they rely on light levels to be effective. The mirrored side changes on whether the inside or outside is brightest. For example, through the day when outside is brightest than the inside room, the film will work as desired, preventing those outside viewing in. However, on an evening when natural light is gone and an inside light it on the reverse will be true: occupiers will not be able to see out and those outside will be able to stay in. Conversely, this is typical for windows on an evening and curtains/blinds etc may be used to prevent loss of privacy on an evening.

Different products have different variations on the above. On balance, officers accept the use of the one-way film as a method to overcome amenity concerns. However, this is subject to a condition requiring specific details of the intended product, details of its effectiveness and conditions that it be retained in place once installed.

The site is within a town centre location, with nearby evening entertainment venues (the closest is noted to have an ongoing application for a change of use to C2, but the assessment is made on the current use). Therefore, noise pollution is an issue. E.V. Health have requested that a Noise Impact Assessment be secured via condition. This is considered reasonable and necessary by officers. The applicant has demonstrated that the proposed privacy film would not conflict with the noise mitigation measures of the window.

Summering the above, subject to the given conditions, officers are satisfied that the proposal would not harm the amenity of neighbouring residents as well as future occupiers, in accordance with LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

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. Officers therefore do not object to there being no dedicated parking. Considering the scale of the proposal and that it seeks to reuse an existing building within the town centre, with no dedicated parking, the proposal is anticipated to materially increase demand on the local highway network.
Bin storage facilities, close to the entrance kept down the alleyway, are to remain as existing and as approved for the upper floor residential units. This is acceptable.

Officers are satisfied that the proposal would not harm the safe and efficient operation of the Highway, in accordance with LP21 and LP24.

5 – Other matters

5.1– 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.

NOISE

The proposal seeks to re-use a vacant building. This is welcomed and is not considered detrimental to the climate change agenda.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Application Number: 2020/90306
Decision Authorisation: Delegated Powers
Officer Recommendation: Grant Conditional Permission

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 with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to the hereby approved development being brought into use, the two timber stall risers on the south-east facing side elevation shall be replaced with new ashlar stone cill and stone walling, as specified on plan ref. '17319 Sl-05 Rev. I'. The ashlar stone used shall in all respects match the ashlar sandstone used in the construction of the existing building's ground floor façade.
Reason: To ensure the implementation of the proposed visual enhancements, in the interest of preserving and enhancing the character of the area and historic environment, to comply with Policy LP24 and LP35 of Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Prior to the hereby approved development being brought into use, the four doors on the frontage, as shown on the Proposed Ground Floor Plan on plan ref. '17319 / SK-05 Rev. I', shall be fitted with new painted timber frames with look-alike door panel within the frames, fixed shut, as shown on the Proposed Front Elevation of the aforementioned plan. The fixed shut look-alike door panels shall be installed in accordance with the 'Window Section' details and shall be so retained thereafter.
Reason: To ensure the implementation of the proposed visual enhancements, in the interest of preserving and enhancing the character of the area and historic environment, to comply with Policy LP24 and LP35 of Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. Prior to the hereby approved development being brought into use and prior to the installation of new fenestration, a report specifying the measures to be taken to protect the development from external noise from road traffic and entertainment premises shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include, but not be limited to: -

a) Determine the existing noise climate

b) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development
c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including alternative ventilation to open windows if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. Prior to the hereby approved development being brought into use, details of the proposed one-way mirror film shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include; the specific product to be used, its visual appearance, method of installation and how this will protect the privacy of future occupiers. Prior to the hereby approved development being brought into use, the approved one-way mirror film shall be installed on all windows serving the approved development shall thereafter be retained as such, maintained in a manner that ensures the film covers 100% of the window's glass surface.
Reason: So as not to detract from the amenities of future occupiers by reason of loss of privacy or lack of outlook, to accord with the aims of Policy LP24 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. I	24.06.2020
Location Plan	17319/SK-06	Rev. A	
Site Plan	17319/SK-07	Rev. B	
Existing Grouped Plans and Elevations	17319/SK-08	Rev. A	
Computer Altered Photo	Frontage with reflective glazing		
Supporting Information	Heritage and Planning Statement		03.02.2020
Supporting Information	Statement on one-way film and acoustics		13.05.2020
Supporting Information	Statement on one-way film		11.03.2020
Supporting Information	Historic marketing details		19.03.2020

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 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 requested further details over the proposed reflective glazing (including the functionality and acoustic properties), past marketing of the site and amendments on the design. These issues were addressed through further statements and amended plans.

Report Dated: 07.07.2020