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:	2020/62/93807/W
Site Address:	The New Huddersfield Hotel, 41, Kirkgate, Huddersfield, HD1 1QT
Description:	Change of use from part vacant hotel (C1) to form 1 no. 3-bedroom apartment, 2 no. 2-bedroom apartments, and 6 no. single-bedroom apartments (Listed Building within a Conservation Area)
Recommending Officer:	William Simcock

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: 27-Apr-2021

Officer Report 2020/93807

Site Description

The Huddersfield Hotel complex is a cluster of buildings situated between Kirkgate, Beast Market and Southgate. The western or upper part of the site is a Listed building comprising a pub, karaoke bar and the hotel reception area at ground floor, and hotel rooms on the first and second floors. The remaining part of the site, which is not Listed, consists of a number of two- and three-storey buildings with a restaurant and bar / nightclub (currently vacant) at ground floor with vacant hotel rooms above. Service access is taken from Beast Market (from the north) where the entrance leads to a small gated courtyard. The entrance to the hotel reception is from Kirkgate, which is to the south. A variety of uses – offices, entertainment, retail and residential (recently converted student apartments) – are found nearby.

Description of Proposal

The proposal is for the partial change of use of the vacant hotel to form 9 no. apartments.

The apartments are to be located principally at first-floor level, with some use being made of the second-floor and attic space on the side near the Beast Market frontage. The pedestrian access would be from the Kirkgate frontage, to the south of the building, which at present forms an alternative entrance to hotel reception area a short distance to the right of the main entrance.

They would consist of 2 x 2 -bedroom apartments, 6 x 1-bedroom apartments, 1 x 3-bedroom apartment.

No external alterations would be made except for the addition of 3 no. new roof lights to the south-facing roof slope.

History of negotiations/amendments received

25-Nov-2020: Amended attic floor layout as proposed.

14, 25-Jan-2021: Noise and Air Quality Assessment submitted.

24-Feb-2021: Amended first floor layout as proposed.

29-Mar-2021: Further noise assessment

22-Apr-2021: Amended first-floor layout as proposed, and details of bicycle storage.

The above were not subjected to new publicity since they were not considered to raise substantial new planning issues.

Relevant Planning History

2020/93808 – Listed Building Consent for change of use and alterations to form 9 apartments. Awaiting determination.

Representations
Final publicity date expires: 25-Dec-2020 (publicity by neighbour letter, site notices and press advert on the grounds of it being within a Conservation Area and affecting a Listed Building)

No representations were made.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Environmental Health – Amended noise report is acceptable

KC Police Architectural Liaison Officer – No objections in principle

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 within Huddersfield Town Centre Conservation Area on the Kirklees Local Plan.

The apartments, being on upper floors with no lift access, would not be accessible to people with mobility impairments, but this would also have been true of the hotel bedrooms, and as it is a conversion the scheme is not deemed to be inappropriate in planning terms.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 15** – Residential use in town centres
- **LP 21** – Highways and access

- **LP 22** – Parking
- **LP 24** – Design
- **LP 35** – Historic environment
- **LP52** – Pollution
- **LP51** – 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, 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 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment
The following matters are considered in the assessment below –

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

1 – Principle of development: Policy LP15 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. 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;

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,

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

e. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;

f. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;

g. provision of affordable housing in accordance with policies set out in the Local Plan; and

h. the provision of refuse storage and collection

The development is not within the Primary Shopping Area or a designated retail frontage and would not result in the loss of any active frontages at street level. It would allow the continued use of the hotel, at a reduced level. In principle the addition of new long-term residents would contribute to the vitality and viability of the Town Centre.

The requirement to seek affordable housing is only applicable on sites with more than 10 dwellings under Policy LP11. The application will be assessed under criteria (d) to (h) of LP15 later in this report, in addition to the requirement to consider visual and residential amenity, highway safety, crime and security, and the conservation of heritage assets, as set out in the other LP and NPPF policies listed above.

2 –Impact on visual amenity: The proposals would involve no external works other than repair or renovation, including the re-opening of boarded-up windows and doors. It is therefore considered that the development would in principle conserve visual amenity and the townscape, and by undertaking this work would indirectly assist in the conservation of the Listed Buildings forming part of the hotel complex referred to earlier. Any internal works will be assessed under the remit of the accompanying Listed Building Consent application. It would thereby comply with the aims of Policies LP24(a) and LP35, Chapter 16 of the NPPF and duties under s66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Impact on residential amenity:

Internal space:
According to the information supplied by the applicant, the gross internal floorspace for the apartments would vary between 38 and 75sqm. On the latest version of the plans, four of the apartments have been re-designated as single-bedroom apartments, which means they are now compliant with the

Nationally Described Space Standards, which as two-bedroom apartments they would not have been. One bathroom has also been re-designated a shower room for the same reason. They now are all compliant with the relevant standards and the amount of space offered is considered satisfactory.

Light and outlook:
The following apartments / rooms would have, based on the case officer's own observations on site, limited natural light:

- Apartment 1, which has its bedroom 1 and lounge windows facing the courtyard (these would face the directly opposing wall at a distance of about 10m but are also hemmed in by the walls either side), and bedroom 2 illuminated by light-well only;

- Apartment 5 (split over two floors), which has bedroom 2 facing onto the courtyard, with the opposing wall only 5m away;

- Apartment 4, bedroom 2 to be lit by light-well only.

In short, out of 9 apartments, 3 will offer a degree of natural light and outlook that is considered substandard for at least one of the habitable rooms, or all three in the case of Apartment 1. Given the existing constraints of the building, the layout and distribution of internal space, and its own layout and siting with respect to neighbouring buildings, it would probably be impossible to viably convert the space to apartments in such a way to avoid any habitable rooms having below-average amenity.

However, the somewhat unsatisfactory level of amenity offered by some of the apartments is one factor to be weighed in the balance. The development would bring other benefits, helping to secure a new income-generating use for this part of the Huddersfield Hotel complex, which will assist in the long-term conservation of the Listed Building. Furthermore the addition of more residential use into this part of Huddersfield Town Centre is likely to promote the regeneration of the Town Centre and its vitality and viability.

Taking a balanced approach it is considered on balance that the standard of amenity offered by the apartments, although less than ideal having regard to the aims of LP24(b), can be accepted in this instance. This takes into account the amendments made to secure reasonable spaces standards in the apartments.

Noise and odours
A number of potential sources of noise disturbance were identified during the application process. These include the former bar and night club on the ground floor of the Beast Market frontage, and road traffic. From the noise report, and the most up-to-date version of the calculations submitted by the noise consultant, it can be concluded that levels of noise from all sources, including structure-borne noise which could theoretically occur if the nightclub

use were resumed, would be within acceptable levels and no mitigation measures would be required.

The air quality report concluded that particulates and other pollutants in the surroundings would be below national objectives and therefore no mitigation measures would be required, and Environmental Health concur with these findings. There are existing arrangements in place to discharge vented fumes from the commercial kitchens on the ground floor through a vent in the roof, and Environmental Health also consider this to be acceptable.

In conclusion, the development complies with the aims of LP52, LP15 and of LP24(b).

4 – Impact on highway safety: The location is highly sustainable, being in the Town Centre and about 550m from Huddersfield Bus Station and 450m from the railway station. Given the location, and the scale and number of the dwellings proposed, it is considered that it would be unreasonable to expect the applicant to provide parking for either residents or visitors as it is anticipated that the development would be able to function safely without it.

Space has been provided for the storage of 6 bicycles within the shared courtyard, which is considered a suitable number having regard to the aims of LP22(g).

The architect has confirmed that refuse storage and collection methods are to be the same as exist now. It is considered that as there is clearly sufficient room to store waste containers in the inner courtyard, this is acceptable and no further information is required to ensure compliance with LP24(d)(vi).

In summary it is considered that the development would not adversely affect highway safety and would accord with the aims of LP21-22.

5 – Other matters:

Crime and disorder
The Police Architectural Liaison Officer has confirmed that in principle he is minded to support the application, but has given a list of recommended security measures to be incorporated into the scheme. It is considered that this can be provided as a footnote.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects, but as it is in a highly sustainable location and would make use of an existing building with minimal external works and no new build, it is considered that the development demonstrates acceptable levels of sustainability from the point of view of promoting carbon reduction.

6 – Representations: No representations have been made.

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**

Decision Authorisation - Delegated Powers

Application Number: 2020/93807

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, in the interests of residential amenity and the significance of designated heritage assets and to accord Policies LP15, LP24, LP35, LP51 and LP52 of the Kirklees Local Plan.

3. The cycle storage facilities shown on plan 101 Revision C shall be provided before any of the new apartments is first occupied and thereafter shall be retained as such.
Reason: To ensure that secure cycle storage facilities are provided and retained within the site for the convenience of future occupiers and to encourage the use of sustainable, low-impact modes of transport in accordance with the aims of Policies LP15(e) and LP22(g) of the Kirklees Local Plan.

NOTE – Crime prevention. The developer's attention is drawn to the comments of the Police Architectural Liaison Officer at the link below concerning security measures that it may be possible to incorporate into the scheme. Please note that some of these may require planning permission or Listed Building Consent in themselves:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/93807&file_reference=842100

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			10-Nov-2020
Location plan	99		10-Nov-2020
Existing ground floor			10-Nov-2020
Existing second floor			10-Nov-2020

Plan Type	Reference	Version	Date Received
Proposed ground floor	116		10-Nov-2020
Proposed first-floor plan	114	K	22-Apr-2021
Proposed second floor / attic plan	108	C	25-Nov-2020
Proposed bicycle storage arrangements	101	C	22-Apr-2021
Design & access statement			13-Nov-2020
Heritage statement			13-Nov-2020
Noise impact assessment	1965-96-20V3V3		
Air quality assessment	MCP2411-001		25-Jan-2021
Sound insulations tests report	AS21-16/T1		29-Mar-2021
Sound insulation tests - calculation	AS21-16/T1		29-Mar-2021
List of apartment size calculations			03-Mar-2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested amended plans for the purposes of clarification, to ensure that all apartments would meet the Nationally Described Space Standards, and that there would be adequate room for cycle storage.

Report Dated: 23-Apr-2021