

**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: 2021/62/91046/W

Site Address: Building on junction of, Beaumont Street/William Street, Huddersfield, HD1 6BG

Description: Erection of single storey extension to side, new photo voltaic panels to roof, mezzanine to form first floor and alterations to front boundary wall

Recommending Officer: Katie Chew

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 23-Jul-2021

Officer Report

Site Description

Building on junction of, Beaumont Street/William Street, Huddersfield, HD1 6BG

The application site relates to a single storey detached building constructed from buff brick located to the north of the Hudawi Centre. The building is bounded by a stone wall to the north and west, with the Hudawi Centre to the south and a car parking area to the east.

The submitted application forms state that the buildings previous use was as a B1 recording studio/office. Now deemed as being Class E (g) (i) offices to carry out any operational or administrative functions. Although the planning history does suggest that permission was granted for a carri care nursery in 1995 which was previously known as a D1 use but is now a Class E (f) use.

Description of Proposal

The application seeks planning permission for the erection of a single storey extension to side, new photo voltaic panels to roof, mezzanine to form first floor and alterations to front boundary wall.

The proposed single storey extension is to measure approximately 16.4m x 1.9m, with a height of 4.4m. The extension is to be constructed from buff brick to match the host building.

The proposed internal mezzanine is to measure approximately 16.7m x 4.5m and be raised up from the ground floor level by approximately 2.4m.

The front boundary wall is also to be rebuilt from coping stones re-bedded and will measure approximately 1.8m in height.

New windows and rooflights are also to be installed throughout the building.

History of negotiations/amendments received

Highways did request additional information in respect to the parking and how the business will operate at the site.

Relevant Planning History

95/92748 – Erection of Hudawi community centre and carri care nursery. Approved 3rd November 1995.

91/06365 – Erection of recording studio. Approved 15th January 1992.

89/01510 – Siting of portacabin for use as nursery. Approved 12th May 1989.

Representations

Final publicity date expires:

Neighbour Letters – Expired 12th May 2021.

No representations have been received to date.

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above.

Consultation Responses

KC Ecology Unit – No comments have been received to date.

KC Highways Development Management – Comments received 24th June 2021. No objections to the proposals.

The Coal Authority – Comments received 22nd July 2021. No objections to the proposals. The Coal Authority considers that the content and conclusions made within the supporting Coal Mining Risk Assessment submitted are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable.

Parish/Town Council Comments

N/A.

Local Ward Members

N/A.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within a Bat Alert Area. The application is also identified as being an unlisted asset of community value. Whilst the site is partly located within the hazard materials outer zone, this relates to a small portion of the building to the east, the proposals relate to the west of the building and therefore it was not considered necessary to consult HSE in this instance.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP13 – Town Centre Uses**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity and Geodiversity**
- **LP48 – Community Facilities and Services**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated July 2021, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- 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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

The site is without notation on the Kirklees Local Plan. In line with the NPPF, Policy LP1 of the Kirklees Local Plan declares that:

‘...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’.

LP1 goes further and states:

‘The Council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area’.

Loss of a community facility

The building under consideration of this application is identified as being a unlisted asset of Community Value. However, it is likely that this relates more to the adjacent Hadawi Centre which is used for conferencing, meeting rooms and functions.

Given the above, policy LP48 of the Kirklees Local Plan is therefore relevant, the policy highlights that proposals which would involve the loss of a valued community facility should only be permitted where it can be demonstrated that:

- a. There is no longer a need for the facility and all options including scope for alternative community uses have been considered; or
- a. Its current use is no longer viable; or
- b. There is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
- c. An alternative facility of equivalent or better standard will be provided either on site or equally accessible; and
- d. Any assess listed on a Community Asset Register have satisfied the requirements under the relevant legislation.

From reviewing historic maps, it is noted that the host building has occupied the site since between 1990-2004, it is likely that when planning permission was granted in January 1992 it is with this planning permission that the building was constructed. This 1992 planning permission sought to construct a building to be used as a recording studio. It is noted in the submitted application forms that this building was last used as a recording studio and office, although more recent planning permission suggests that it may have been used as a day nursery. Whilst the submitted application forms highlight that the building is vacant no information is provided to show how long the building has been vacant for, although from undertaking a site visit the site appears to be run down and as though it has not been used for a number of years. It is also important to note that there are a number of nurseries within the immediate area and as the site is located adjacent to Huddersfield Town Centre there are also a number of office blocks available. Therefore, there is alternative adequate provision in the locality should it be required. The proposals would bring a vacant dilapidated building back into a use which is considered to be acceptable in this location. For the above reasons, it has been considered that the proposal would satisfy the requirements outlined

within Policy LP48 of the Kirklees Local Plan and therefore this loss of this community asset will be supported.

Chapter 6 of the National Planning Policy Framework states that “planning decisions should help create the conditions in which businesses can invest, expand and adapt”. In this case – although on a small scale, the proposed development complies with the aims of paragraph 81 of the NPPF as it would result in an office being located within a vacant building.

Offices are classed as being main town centre uses and it is noted that the site is not located within a main town centre but is located adjacent to Huddersfield town centre. In such circumstances and in accordance with LP13 of the Local Plan and Chapter 7 of the NPPF a sequential assessment is usually required to detail why the proposed use cannot be located within a town or local centre. However, in this instance the previous use of the site is identified as being for a B1 use (Class E (g)(i)) or Class D1 use (Class E (f)), these Classes are now considered to be interchangeable and therefore planning permission may have been allowed (subject to the works proposed) without requiring planning permission. Given the circumstances of the proposal, it is not considered necessary for the applicant to provide a sequential test in this instance. The proposal is therefore considered to be acceptable in respect of its impact on town centre vitality and comply with Local Planning Policy LP13 and Chapter 7 of the NPPF.

2 - Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’

The application site is located in an area that is characterised by a mixture of commercial properties of varying design and scale and some residential. The proposed extension is to be small in scale and size and be constructed from materials which are to match the host building. Given that the extension is to be single storey in height, it is in officer’s opinion that the proposals would appear as a subservient addition to the property and thus accord with local planning policy. In the interests of visual amenity the proposed materials are to be conditioned to match the host building.

In conclusion, for the reasons outlined above the proposals are considered to be appropriate in size, scale and design in this location, and that they would not harm the visual amenity of the host building or indeed the character and appearance of the area. The proposals are therefore considered to accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

The nearest residential dwellings to the application site are approximately 60+ metres away, it is therefore considered that there would be no concerns in respect to overlooking, overshadowing, or the proposals appearing overbearing in nature in this instance.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Given the nature of the proposals the Council's Highways team were consulted. The building is to be used as an office with a fitness studio (Class E (g)(i)). The submitted application form states that 5 full time staff will work from the building however, the submitted plans suggest that the site may cater for more than 5 staff with 7 desks and a training room provided. The applicant states that there are two parking spaces available on the adjacent car park and that the business currently operates with only a few all-day staff, with the majority of other workers being out in the field and only making short stops at the office. This operational process is expected to continue at the site in the future. Adjacent to the site on-street parking is available but this parking is enforced by TRO and these spaces would also be in demand by other users. However, the proposed operational process at the site would suit the use of

the restricted on-street parking rather than a requirement for permanent off-street parking. Although visits would be time limited or may incur a parking charge and would be reliant on spaces being available. As the site is located just outside of Huddersfield Town Centre and is in a relatively sustainable location parking is not viewed as a concern. Furthermore as previously set out the main use of the site falls outside of the control of this application as it now falls within the same use class which mean the majority of any highway impact can already occur.

The existing wall around the open area to the south of the building is also to be rebuilt at a height of 1.8m for security reasons. This should have no impact on the highway visibility at the junction of William Street and Beaumont Street as the wall is already existing and above 1m in height. Finally, a refuse store is shown on the submitted plans to the south of the building where a gated access onto the junction of William Street and Beaumont Street is provided, this is deemed to be acceptable by highways officers.

It is therefore considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

Whilst it is acknowledged that the application site is within a bat alert area, given the nature of the proposals and that the eaves of the building appears to be well sealed it is considered unlikely that roosting bats would be found during construction works. However, an informative has been included highlighting to the applicant that bats are a protected species and should any be found during construction works Natural England should be contacted immediately.

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.

No information has been provided in respect to climate change, however the site is within a sustainable location adjacent to other similar uses in a site that

is accessible by public transport. The applicant also seeks to install new photo voltaic panels to the roof of the building. These matters would therefore help to reduce the developments impact on climate change.

There are no other matters for consideration.

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: 2021/91046

Officer Recommendation: Approve.

Conditions & 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.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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 Policies LP16, LP24 and LP35 of the Kirklees Local Plan.
2. The external walls and roofing materials of the extension and alterations hereby approved shall in all respects match those used in the construction of the host building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are found then contact Natural England.

NOTE: This decision notice does not grant permission for signage on the building which will likely require separate advertisement consent.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Site Location Plan	19-0129	-	12 th March 2021
Existing Sht 1	P00	-	19 th March 2021
Existing Sheet 2	P01	-	19 th March 2021
Proposed Sheet 1	P10	-	19 th March 2021
Proposed Sheet 2	P11	-	19 th March 2021
Proposed Sheet 3	P12	-	19 th March 2021
Proposed Sheet 4	P13	-	19 th March 2021
Proposed Sheet 5	P14	-	19 th March 2021
Proposed Sheet 6	P15	-	19 th March 2021
Coal Mining Risk Assessment – Supporting Information	20078-R-001-V01	-	7 th April 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Highways did request additional information in respect to the parking and how the business will operate at the site.

Report Dated:

23/07/2021

