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:	**2021/62/91123/W**
Site Address:	The Huddersfield Hotel, Kirkgate, Huddersfield HD1 1QT
Description:	Conversion of ground floor to form 5 no. 1-bedroom apartments, 1 no. 2-bedroom and 1 no. 3-bedroom apartment, and associated works (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: 21st April 2022

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Officer Report 2021/91123
The Huddersfield Hotel, Kirkgate

Site Description

The Huddersfield Hotel complex is a cluster of buildings situated between Kirkgate, Beast Market and the ring road. 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. 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 ground floor of the hotel complex to form 7 apartments. These would all be single-bedroom with the exception of Flat 7, which would have 2 bedrooms, and Flat 6, which would have 3 bedrooms. The areas affected by the change of use would be the former bar and nightclub which occupy the northern and eastern parts of the building fronting Beast Market and Southgate. The restaurant, which is on the Kirkgate frontage, would be unaffected.

The external alterations would consist of:

- New windows in existing openings on Beast Market frontage;
- New doors in existing openings on Beast Market frontage to serve flats 4 & 5;
- Infilling of much of the existing shop front on Beast Market with the addition of three windows and a string course above.
- Formation of 5 no. windows and 2 no. doors (to serve flats 6 & 7) in Southgate elevation;
- Formation of 5 no. skylights in existing flat roof to serve living accommodation and bathroom in Flats 6 & 7.

History of negotiations/amendments received

14-Jul-2021: Amended elevation submitted

13-Jan, 21-Jan: Sound insulation tests submitted

31-Jan: Further noise impact assessment submitted

24-Mar-2022: Amended floorplans with cycle storage facilities shown.

06-07-Apr-2022: Amended plans stating floorspace correctly, roof / first-floor plan, and photographs.

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

Relevant Planning History

2020/93807: Planning Permission and Listed Building Consent for change of use and alterations to form 9 apartments on upper floors. Approved and implementation commenced.

Representations
Final publicity date expires: 08-Jun-2021 (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 – Acceptable subject to conditions.

KC Police Architectural Liaison Officer – No objection.

KC Conservation & Design – Support conversion in principle, but have some unresolved concerns about the treatment of the Beast Market elevation.

KC Town Centres and Skills – No objection.

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.

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

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: The site lies within the Huddersfield Town Centre Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. There is also a duty under Section 66 of the Act, that Local Planning Authorities must, where a development proposal would affect a Listed Building or its setting, have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses.

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. It would result in the loss of commercial premises fronting Beast Market but would not result in the loss of any active frontages at street level on the busier Kirkgate. 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. It is considered to accord with the aims of LP15(a-c).

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) 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 proposal would involve works to a non-Listed building in a Conservation Area. It is considered that the northern (Beast Market) elevation of the building has some architectural merit and makes a modest positive contribution to the Conservation Area. The eastern elevation is a modern structure and has no architectural merit or heritage value.

Photographs of the site, including street-view images, show that the upper floor windows, were timber sliding sashes until very recently; the ground floor windows were not visible because they were covered by shutters. They have been replaced with grey UPVC windows at upper floor along the length of the elevation, and at ground floor on the part of the elevation nearest to Castlegate. The new windows superficially resemble the style of the old windows in that they are divided by a single horizontal glazing bar and are set in a reveal, but are obviously not sliding sashes. 21-27 Beast Market opposite comprises a row of two- to three-storey properties which have modern shop fronts lacking visual coherence and modern white plastic windows.

A revised drawing has been submitted showing more detail of the proposed windows and infill within the shop fronts (part of former Eden nightclub). It indicates that the pilasters will be retained, with the shop fronts infilled with coursed natural stone and dark grey uPVC windows with ashlar heads, cills and string course. A hardwood entrance door is proposed on the former “shop front”. The material of the other external doors has not been specified on the revised drawing but the architect has subsequently confirmed they are to be timber.

The application seeks the retention of the existing unauthorised windows, which are not of traditional style. It would have been preferable if the old timber windows could have been retained, but the upper floor windows are outside the scope of this application and it is considered unlikely that it would be deemed expedient to take enforcement action against them, given that Beast Market is a relatively quiet street in terms of footfall, and given the overall quality of the street scene immediately opposite the development site. It would not be in the best interests of high-quality design to compel the applicant to install traditional timber windows at ground floor which would then not match the upper floor ones. Whilst this should not be regarded as setting a precedent for other parts of Huddersfield Town Centre Conservation Area, it is considered on balance that the retention of grey uPVC windows can be accepted in this instance as the degree of harm caused to the character of the Conservation Area is very minor and certainly less than substantial.

It is accepted that the existing shop front is not historic. Ideally the applicant should have provided evidence of the historic form of this elevation so that the proposed works could have been assessed against what was there when the Conservation Area was first designated with the aim of ensuring an authentic restoration. Since the existing shopfront is not of significant architectural value, it would be difficult to substantiate an argument that its loss would

materially harm the character of the building. The harm caused would, again, be less than substantial and would outweighed by the benefits of finding a viable income-generating use for the space. Retaining the entire glazed shop-front as windows for the new apartments would probably not be an appropriate solution since providing such extensive glazing on a street frontage would not be in the best interests of the privacy, security or comfort of future residents. Furthermore it is considered that the external works would not adversely affect the setting of the Listed Building.

In conclusion, it is considered that any harm to the character of the Conservation Area resulting from the external alterations would in this instance be outweighed by a clear public benefit, that of finding a new income-generating use for redundant space, and which would indirectly assist in the conservation of the Listed Buildings forming part of the hotel complex referred to earlier. It would therefore meet the test in Paragraph 202 of the NPPF.

It is therefore considered that the development would conserve visual amenity and the townscape, and It would thereby comply with the aims of Policies LP24(a) and LP35, Chapter 16 of the NPPF, and the Council's duty under Section 66 and 72 of the Act.

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 original version of the plans, 4 of the apartments would have had two bedrooms which would have made them non-compliant with the Nationally Described Space Standards. Some have now been re-designed to be single-bedroom. One bathroom has also been re-designated a shower room for the same reason. Flat 7, on the other hand, has been modified from a single- to two-bedroom apartment. It would still be compliant with the standards in terms of the aggregate amount of space offered. Bedroom 2 would only average 2.05m in width whereas the standards specify 2.15m. Since overall space within the bedroom would be significantly over the standard minimum figure, this minor deviation from the standard can be accepted here.

With this one exception, all apartments and rooms are now compliant with the relevant standards and the amount of internal space offered is considered satisfactory.

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

- Apartment 1, which has its bedroom 1 and living area windows facing the courtyard (bedroom would face the directly opposing wall at a distance of about 10m but are also hemmed in by the walls either side)

- Apartment 6 which would have three bedrooms all illuminated by skylight only;

- Apartment 7, two bedrooms illuminated by skylight only.

The architect has confirmed that the skylights will be fitted with electronic blinds to shut out unwanted light when required.

In short, out of 7 apartments, 3 will offer a degree of natural light and outlook that is considered substandard for one or more of the habitable rooms. Given the existing constraints of the building, its layout, the distribution of internal space, it would probably not be possible to viably convert the space to apartments in such a way to avoid any habitable rooms having below-average amenity. The alternative would be to form much larger apartments which might be difficult to sell or let in a Town Centre location.

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, and the physical renovation of the building, is likely to promote the regeneration of the Town Centre more generally and enhance its vitality and viability.

The architect has provided photographs of the recently-installed rooflights. These are slightly angled towards Southgate. Whilst they would probably not provide as much light as the roof lanterns shown on the floorplans, they would not give rise to an unacceptable degree of mutual overlooking between the first-floor and ground floor flats, and the amount of natural light is on balance considered acceptable given that they would be quite small rooms. They would also provide the opportunity to be opened for ventilation if required.

Taking a balanced approach, it is considered on balance that the standard of amenity offered by the apartments, although in some cases less than ideal having regard to the aims of LP24(b), can be accepted in this instance. This is very much an isolated case, weighing in the balance all material considerations relevant to this site alone.

Noise and odours
A Noise Impact Assessment was submitted dated 28th January (latest version, ref 1965-96-20V3V4). This makes recommendations on glazing specification and the possible use of mechanical ventilation.

The Noise Impact Assessment concludes that noise from the front and rear-facing extraction units from the Italian restaurant noise would be imperceptible. These findings are accepted.

The report also considers the impact of traffic noise and noise from the Haolaiwu Karaoke Bar. It acknowledges the existence of one other establishment serving alcohol, the Boy and Barrel near the corner of Beast Market, but does not explicitly consider noise from this venue.

It concludes that for some, but not all rooms, mechanical ventilation will be needed because open-window ventilation would expose occupants to excessive noise. It recommends mechanical ventilation for the east-facing rooms but only where these are within 20m of the main source of noise (Southgate). The Environmental Health Officer has subsequently confirmed to the case officer that in such cases, the measurement would normally be taken from the centre point of the highway, and by this criterion none of the east-facing rooms would be within 20m. However, the Environmental Health Officer has also advised (notwithstanding his written comments of 15th March) that mechanical ventilation should be used for Flats 1 and 2 because of their close proximity to the Boy and Barrel. This can be conditioned, with details of the mechanical ventilation scheme required.

A series of sound insulation tests have been carried out to assess the possibility of internal sound transmission. These are however incomplete as they do not appear to have assessed the separating wall between the restaurant and the neighbouring residential apartments, nos. 6 & 7 (the reference to a “separating ceiling” in the Environmental Health Officer’s report is a clerical error because both premises are on the same floor). On balance it is considered that this can be conditioned, rather than submitted pre-determination.

The following conditions are recommended:

1. The works forming the sound attenuation scheme as specified in the Noise Impact Assessment shall be completed and written evidence submitted to show that the specified noise levels have been achieved;

2. Written evidence to demonstrate that sound insulation performance of party wall is acceptable;

3. Ventilation scheme for habitable rooms where applicable (flats 1 & 2).

There is a small possibility that cooking odours from the adjacent restaurant could affect the amenity of future occupants because the vent from the kitchen is about 3m away from the nearest apartment window (Apartment 7, on the Southgate frontage). An odour assessment has not been submitted. The Environmental Health Officer has confirmed in a telephone conversation with the case officer that the submission of an odour impact assessment can be conditioned rather than be resolved pre-determination. It is considered that in the circumstances this would be a reasonable and proportionate approach given that, at most, only one apartment could be affected, and since the whole building is in the same ownership, mitigation measures can be applied at source if deemed necessary.

In conclusion, it is considered that any possible impacts can be prevented or mitigated to a level that no longer causes nuisance, through the measures described above, and that subject to conditions the development will comply with the aims of LP15(d), LP52, 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 shown for the storage of bicycles within the shared courtyard, in two separate rectangular areas of a total of 4.8m in length (the larger rectangle 2.6m long, the shorter one 2.1m long). The previous approval, 2020/93807, showed a bicyle rack of 3.2m in length in the location where the larger rectangular area is shown, so it is assumed that only the smaller rectangle would be storage space for the current 7-flat scheme.

The Highways Design Guide SPD recommends that 1 secure cycle parking space should normally be provided per dwelling. However, the condition on the previous application only specified 6 spaces for 9 apartments. Based on this it is considered that since most of the apartments now being applied for are single-bedroom, and not all residents are likely to be cycle owners, 5 can be treated as a suitable minimum number having regard to the aims of LP22(g) and can be conditioned.

It is presumed that refuse storage and collection methods are to be the same as exist now. 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.

Coal Mining legacy:
The site lies within a Coal Referral Area. Since the proposal involves no new build or extension to an existing building it is considered to have no implications for land stability arising from historic underground mine workings, and a Coal Mining Risk Assessment has not been requested.

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: **2021/91123**

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 conserve the character of the Huddersfield Town Centre Conservation Area, in the interests of residential amenity and to accord Policies LP15, LP24 and LP35 of the Kirklees Local Plan.

3. A cycle rack providing storage space for a minimum of 5 pedal cycles shall be provided within the cycle storage area shown on plan 03 Revision B 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.

4.All new external entrance doors shall be timber. Any new or replacement entrance doors in the elevations fronting Beast Market shall be of traditional four-panelled design.
Reason: To ensure that the development conserves and enhances the character of the Huddersfield Town Centre Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. The stone used in the infilling of redundant openings on the elevation fronting Beast Market shall be laid in regular courses and shall in all respects match the stone used on the adjoining parts of the existing building.
Reason: To ensure that the development conserves and enhances the character of the Huddersfield Town Centre Conservation Area and to accord with the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

6. Before Flats 1 or 2 are first occupied, notwithstanding the recommendations in Part 7 of the Noise Impact Assessment authored by Acoustic Solutions dated 28 January 2022 Ref 1965-96-20V3V4, details of a ventilation scheme for Flats 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information –

i. Identify which rooms require a ventilation system;
ii. The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded;
iii. The ventilation scheme must demonstrate how habitable rooms of these apartments shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned flats and shall be retained thereafter.
Reason: To ensure that the future residents are able to gain adequate ventilation whilst being protected from excessive noise, in particular noise that could arise from the resumption of the former use as licensed premises at the Boy and Barrel Inn, and to accord with the aims of Policies LP15(d), LP52, and LP24(b) of the Kirklees Local Plan and those of Chapter 15 of the National Planning Policy Framework.

7. Before the development is first brought into use, written evidence to demonstrate that the noise levels specified in the Noise Impact Assessment authored by Acoustic Solutions dated 28 January 2022 Ref 1965-96-20V3V4 have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Impact Assessment have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels.
All works comprised within those further measures shall be completed, and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority, before the apartment(s) to which they relate is first brought into use and thereafter retained.
Reason: To ensure that the amenity of future residents is not adversely affected by noise disturbance and to accord with the aims of Policies LP15(d), LP52, and LP24(b) of the Kirklees Local Plan and those of Chapter 15 of the National Planning Policy Framework.

8. Before Flats 6 and 7 are brought into use the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party wall of the development

(Flats 6 & 7) with adjoining non-residential use is of a minimum of 55 dB DnTw + Ctr. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.
Reason: To ensure that the amenity of future residents is not adversely affected by noise disturbance and to accord with the aims of Policies LP15(d), LP52, and LP24(b) of the Kirklees Local Plan and those of Chapter 15 of the National Planning Policy Framework.

9. Before Flat 7 is first occupied, an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The report shall –

i. detail all of the potential sources of odour in the vicinity of the application premises, including extract ventilation system from the adjacent restaurant;
ii. determine the potential of adverse impact on the proposed development from these potential sources of odour;
iii. detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity

Any odour mitigation measures specified in the report shall be implemented before the apartment to which it relates is first occupied and thereafter retained.
Reason: To ensure that future occupants do not suffer loss of amenity as a result of cooking odours and to accord with the aims of Policies LP15(d), LP52, and LP24(b) of the Kirklees Local Plan and those of Chapter 15 of the National Planning Policy Framework.

Note – Condition (6), ventilation system:
A ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

Note – Noisy construction activities
It is recommended that noisy construction related activities shall not take place outside the hours of –
• 07.30 to 18.30 hours Mondays to Fridays
• 08.00 to 13.00 hours, Saturdays
• With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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=2021/91123&file_reference=872636

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			07-Apr-2021
Location plan			18-Mar-2021
Existing elevations	02		18-Mar-2021
Existing ground floor plan	01		18-Mar-2021
Proposed ground floor plan	03	B	06-Apr-2022
Proposed roof plan			07-Apr-2022
Proposed elevation	04	B	14-Jul-2021
Heritage statement			08-Apr-2021
Sound insulation test report	AS22-05/T1		24-Jan-2022
Sound insulation test report	AS21-21/T1-T9		13-Jan-2022
Sound insulation tests	AS21-21T1		21-Jan-2021
Sound insulation tests	AS21-21T2		21-Jan-2021
Sound insulation tests	AS21-21T3		21-Jan-2021
Sound insulation tests	AS21-21T4		21-Jan-2021
Sound insulation tests	AS21-21T5		21-Jan-2021
Sound insulation tests	AS21-21T6		21-Jan-2021
Sound insulation tests	AS21-21T7		21-Jan-2021
Sound insulation tests	AS21-21T8		21-Jan-2021
Sound insulation tests	AS21-21T9		21-Jan-2021
Noise report	1965-96-20	4	31-Jan-2021
Noise impact assessment	AS22-07		31-Jan-2022

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 ensuring compliance with the Nationally Described Space Standards and of ensuring the proposal would conserve, or not lead to unjustified harm to, the character of the Huddersfield Town Centre Conservation Area. The case officer also requested further evidence that noise transmission and airborne noise would not occur at an unacceptable level. Amended plans and supplementary noise information was submitted and informed the decision.

Report Dated: 19-Apr-2022