

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 3, Changes of Use**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -
NOTIFICATION OF A CHANGE OF USE UNDER THE ABOVE
PROVISIONS**

Reference no.	2021/CL/92282/W
Site Address	Crown House, Southgate, Huddersfield, HD1 1SW
Description	Prior approval for change of use from office (Class B1a) to 85 residential units
Recommending Officer	Stuart Howden

DECISION – Details Approved

**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: 23-Jul-2021

Officer Report

Application No: 2021/92282

Site: Crown House, Southgate, Huddersfield, HD1 1SW

Proposal: Prior approval for change of use from office (Class B1a) to 85 residential units

Site Description

The site forms a 10 storey (vacant) office block on the Huddersfield Ring Road, constructed from brick with large sections of glazed windows. The building has a lower ground floor parking area (25 spaces) which is accessed via Old Leeds Road to the south. Pedestrian access is via Southgate to the west of the building.

Surrounding the site to the north and east is the site of the former Huddersfield leisure centre which is currently vacant land allocated for mixed use development in the Local Plan. To the south is a 6 storey office block, to the west is the ring road with the core part of Huddersfield Centre further to the west.

The building is not listed but is within close proximity to a number of listed buildings directly across Southgate from the site. The site is not within a Conservation Area.

Description of Proposal

The proposal is for prior approval under Part 3 Class O of the General Permitted Development Order (GPDO) (England) 2015 (as amended) for change of use from B1(a) (offices) to C3 (dwellinghouses). The proposal is to consist of 85 residential apartments over 10 floors, which would be a mixture of studio, 1 bed and 2 bed apartments. No external alterations are displayed.

History of negotiations/amendments received

None.

Relevant Planning History

2017/93186 – Prior approval from change of use from office (B1) to dwellinghouses (C3) (98 flats) – Granted.

2017/93866 – Prior approval from change of use from office (B1) to dwellinghouses (C3) (110 flats) – Granted.

2018/90213 – Alterations to lower ground to create 7 apartments and external alterations – Approved.

Procedural Matters and Policy Context

The above described proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development Order (England) 2015, Schedule 2 Part 3 Class O as amended is relevant. The legislation permits the following development:

O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Whilst offices now fall technically under a E(c) use (since the 1st September 2020) as a result of an amendment to the Use Class Order, for applications for Prior Approval, the Use Classes in effect prior to 1st September 2020 will be the ones used until the end of July 2021 before which the application needs to be submitted.

The proposal is considered to be covered within Class O, and is therefore authorised subject to the restrictions, conditions and prior notification procedure outlined in Class O.

Paragraph O.1 (as amended) stipulates that development is not permitted in the following circumstances:

(a) the building is on article 2(5) land	Pass
(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order— (i) on 29th May 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use	No evidence to suggest otherwise and previously accepted by the LPA
(c) omitted	N/A
(d) the site is, or forms part of, a safety hazard area	Pass
(e) the site is, or forms part of, a military explosives storage area	Pass
(f) the building is a listed building or is within the curtilage of a listed building	Pass
(g) the site is, or contains, a scheduled monument.	Pass

The Local Planning Authority has no reason to consider the proposal does not accord with the requirements of Paragraph O.1 (as amended)

Paragraph O.2 (as amended) stipulates the need for the developer to submit an application for Prior Notification from the Local Planning Authority. Prior Notification is required for the following considerations:

“O.2 Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- a) transport and highways impacts of the development;*
- b) contamination risks on the site;*
- c) flooding risks on the site;*
- d) impacts of noise from commercial premises on the intended occupiers of the development;*
- e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.”*

In addition, the Local Planning Authority is required to consider the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020, UK Statutory Instruments, 2020 No. 1243, Part 2, Regulation 3, Article 3, Paragraph 9:

“(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse-

(a) Where the gross internal floor area is less than 37 square metres in size;

Or

(b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015”

And the provisions of Paragraph W (prior approval) apply in relation to this application. Paragraph W outlines the procedure for the submission, and assessment of, applications under Part 3 which require Prior Approval. Under the procedures outlined in Paragraph W, the Council is required to consult relevant bodies and advertise the application by site notice.

To assess the above, relevant policies in the development plan and national planning policies will be considered.

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).

Kirklees Local Plan (LP):

- **LP 20** – Sustainable Transport
- **LP 21** – Highway Safety and Access

- **LP 22** – Parking
- **LP 24** – Design
- **LP 43** – Waste Management Hierarchy
- **LP 51** – Protection and improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 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 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Considerations:

- Kirklees Waste Management Design Guide (2020)
- Kirklees Highways Design Guide SPD (2019)

Representations

Final publicity date Expires:

Neighbour notification letters expired on 12th July 2021.

No representations have been received to date.

Consultation Responses

Below is a summary of responses from consultees. Full comments are available to view on the Council's Planning Website.

KC Environmental Health: No comments received.

KC Highways Development Management: No comments received.

Assessment

As per O.2 (as amended) the following matters are considered in the assessment below –

- 1) Transport and highways impacts of the development
- 2) Contamination risks on the site
- 3) Flooding risks on the site

- 4) Impacts of noise from commercial premises on the intended occupiers of the development
- 5) The provision of adequate natural light in all habitable rooms of the dwellinghouses.
- 6) The provision of adequate internal floorspace
- 7) Other matters
- 8) Conclusion

1 – Transport and highways impacts of the development:

Policy LP22 of the Kirklees Local Plan states that car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development. Policy LP22 also sets out that provision will need to be made to meet the needs of cyclists for cycle parking in new developments.

There are 25 vehicular parking spaces located on the lower ground floor of the site which are accessed from Old Leeds Road. A cover letter supporting the application notes that these spaces would serve the 85 flats proposed. It is worth noting that permission approved in September 2018 (2018/90213) related to alterations to the lower ground floor to create 7 apartments and this would result in the loss of 5 spaces. This 2018 permission is also still extant, but the proposed cycle storage displayed on the lower ground floor plan is proposed in the location of these approved apartments. If prior approval is granted and the provision of this cycle storage area is conditioned (which it is in this case as discussed further on), but the 7 apartments are constructed, this current proposal could not go ahead without breaching such a condition.

However, planning permission 2018/90213 accepted that 20 vehicular parking spaces at the site could be acceptable for 120 apartments. It has previously been accepted by the LPA that the number of units would not have a greater impact upon than the lawful office use.

This proposal in combination with the 2018 permission would result in 28 fewer apartments than what has previously (cumulatively) been approved for 20 parking spaces.

As noted in previous delegated Officer reports, the site is located within a sustainable location at the edge of Huddersfield Town Centre, which has good access to shops, services, employment opportunities and sustainable transport options with both a bus interchange and rail station within walking distance of the site.

Given the above factors, including the sustainable location of the site, the level of car parking is considered sufficient for the proposal.

In addition, to encourage low emission vehicles and given advice within the West Yorkshire Low Emission Strategy (2016-2021), a condition is to be attached (if permission is granted) requiring the provision of at least 2 (10% of parking provision) electric vehicular charging points. This could be secured through a condition.

In their cover letter, the applicant's agent makes reference to the provision of secure cycle parking and the lower ground floor plan displays 104 bicycle stands, which exceeds the minimum recommended spaces outlined within the Kirklees Highway Design Guide SPD (2019) (which advises one space per dwelling). The provision of such cycle storage would support further sustainable transport options for future occupiers. The provision of this could be secured through condition.

With regard to waste, the existing access point is considered to be large enough to accommodate an 11.85 metre refuse collection vehicle and other small delivery vans to the site. A refuse storage area is displayed at the lower ground floor area containing 18 no. 1100ltr bins and 42 no. 240ltr wheelie bins (which are accessible to the apartments) and this is considered to be broadly consistent with guidance contained within the Kirklees Waste Management Design Guide (2020) with reference to the number of apartments proposed. A suitable route for the bins to be manoeuvred to the refuse collection vehicle will also need indicating taking into account the size of wheelie bins required. In light of this matter a condition will be attached should permission be granted requiring the submission of waste collection details.

In conclusion, subject to conditions, the proposal is considered to have an acceptable impact upon highways safety.

2 – Contamination risks on the site:

No intrusive ground works would be necessary to facilitate the development and the site is not identified as being contaminated. The proposal is therefore considered to have an acceptable impact in terms of contamination at the site.

The site is deemed to be in a high risk area for coal mining legacy, but again this is not a significant concern as it is a change of use of an existing building with no intrusive ground works.

3 – Flooding risks on the site:

The site is located within Flood Zone 1 (land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)), which has the lowest risk of flooding. The proposed residential use would be appropriate within Flood Zone 1 and flooding is not a cause for concern in planning terms.

4 – Impacts of noise from commercial premises on the intended occupiers of the development:

To the north and east, the site is surrounded by vacant land allocated for mixed use development including residential. To the south, there is another office building (a low noise generating use). Across Southgate from the site is the Huddersfield Town Centre with a number of commercial uses, but the majority of the nearest commercial uses appear to be low noise generating uses (e.g. dry cleaners, offices, shops). There is a building across Southgate with an authorised use as a nightclub, but Southgate is relatively wide and is a busy road, and as a result it is considered that the noises from the town centre uses would not result in materially greater harm than the main road next to the site.

With regard to noise, the site is located adjacent to Huddersfield Ring Road which is a source of potential noise disturbance for future occupiers. A noise report condition has previously been attached to previous prior approval change of use applications, for this reason, but noise from the highway is not a consideration in such a case, and it is solely noise from commercial premises which can be considered. Thus, such a condition has not been attached

Thus, it is considered that the noise environment would be acceptable for future occupiers (in relation to commercial uses) and that the proposal would be in compliance with Policy LP24(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the NPPF.

5 – The provision of adequate natural light in all habitable rooms of the dwellinghouses:

This stipulation was included to the GPDO in 2020. Part 3, Paragraph W states that *“Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.”*

This newer stipulation has resulted in Paragraph W(2) being amended to state in relation to development proposed under Class O of Part 3, the application ‘must be’ accompanied by: *“a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses.”*

Floor plans and elevational drawings have been submitted outlining the size of the apartments and the specific rooms found within them. Officers consider that all apartments are provided with sufficient light as all habitable rooms have access to at least one windows of adequate size.

It is therefore considered that all habitable rooms would be provided with adequate natural light to allow an acceptable standard of amenity for future occupants and would therefore accord with the aims of Policy LP24(b).

6 – The provision of adequate internal floorspace:

Part 3 of the General Permitted Development Order was revised on the 6th April 2021 and such prior approval applications submitted after this date will need to adhere to the minimum space standards within the Nationally Described Space Standards (NDSS). This application was received 3rd June 2021 and will therefore need to be assessed against the above standards.

A mixture of studio, 1 bed and 2 bed apartments are proposed. Having assessed the floor plans and the apartment schedule submitted alongside the application, Officers are satisfied that all the proposed units meet the required standards outlined within the NDSS and are therefore deemed to be acceptable under Part 3 of the GPDO.

7 - Representations:

No representations have been received.

8 - Conclusion:

Subject to conditions, the proposal complies with Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/92282

Officer Recommendation: Grant Prior Approval

Conditions & Reasons:

1. Prior to the first occupation of the apartments hereby approved, 104 cycle stands shall be installed on the lower ground floor in accordance with Drawing No. jw1024-100 and made available for use by residents. The cycle stands shall be retained as such thereafter.

Reason: To ensure that future occupants have adequate cycle storage facilities, so as to promote sustainable transport options and in order to mitigate the highway and transport impacts of the development in accordance with the aims of Policies LP20 and LP21 (g) of the Kirklees Local Plan, the Kirklees Highways Design Guide SPD (2019) and Chapter 9 of the National Planning Policy Framework.

2. Prior to first occupation of the apartments hereby approved, at least 2 no. vehicle recharging points shall be installed in the car park of the hereby approved development. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

3. Prior to the first occupation of the apartments hereby approved, the bin storage area shall be provided on the lower ground floor in accordance with Drawing No.jw-1024-100 and made available for use by residents. The bin storage area shall be retained as such thereafter.

Reason: In the interests of highway safety and to accord with Policies LP21 and LP43 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

4. Prior to the first occupation of the apartments hereby approved, full design details of the route for the bins to be manoeuvred to the refuse collection vehicle shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be in accordance with these approved details.

Reason: In the interests of highway safety and to accord with Policies LP21 and LP43 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

NOTE: The applicant should note that Class O does not allow for external works, and therefore any operations development occurring externally on the

building in relation to this prior notification will require express planning permission from the Council.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan and Proposed Lower Ground Floor Plan	jw1024-100	-	3 rd June 2021
Existing Floor Plans	jw1024-108	-	3 rd June 2021
Proposed Ground and First Floors	jw1024-101	-	3 rd June 2021
Proposed Second and Third Floors	jw1024-102	-	3 rd June 2021
Proposed Fourth and Fifth Floors	jw1024-103	-	3 rd June 2021
Proposed Sixth and Seventh Floors	jw1024-104	-	3 rd June 2021
Proposed Eighth and Ninth Floors	Jw1024-105	-	3 rd June 2021
Existing Elevations	jw1024-106	-	3 rd June 2021
Proposed Elevations	jw1024-107	-	3 rd June 2021
Cover letter by Allen Planning Ltd dated 3 rd June 2021	-	-	3 rd June 2021
NDSS compliance schedule	-	-	3 rd June 2021
Application form	-	-	3 rd June 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 application as submitted was considered acceptable.

Report Dated: 22.07.2021

Coal Mining – High

