

**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:	<b>2021/62/93305/W</b>
Site Address:	61-65, New Street, Huddersfield, HD1 2BQ
Description:	Change of use and conversion of existing buildings, forming split-level six storey development comprising four-storey stairwell, four-storey roof-top tower block and enclosed courtyard to create 19 student apartments and 6 dwellings for general occupancy, sub-division of the retail unit forming 61-63 New Street (Full Application)
Recommending Officer:	William Simcock

**DECISION – Section 106 full planning permission – Approve**

**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.**

*Victor Grayson*

**AUTHORISED OFFICER**

**Date:** 20/03/2025

## **Officer Report – 2021/93305 61-65 New Street, Huddersfield Town Centre**

### **Site Description**

This planning application relates to the buildings known as 61-65 New Street, Huddersfield. The buildings are located on the east side of the street and have a primary frontage to New Street and a secondary frontage with Albert Yard, to the north. 65 New Street was until recently occupied by the Post Office and Roti Bar (ground floor and basement). 61-63 New Street is a vacant former retail unit. The two upper floors of both buildings are currently vacant. The buildings are up to 40m deep measured from the New Street frontage.

All the ground floor units have large modern display windows. The upper floors are off-white rendered. 65 New Street has a flat roof, whilst 61-63 New Street has a pitched roof with an ornamental parapet. The elevation to Albert Yard also has a display window at ground floor, which is at basement level in relation to New Street (presently shuttered). The upper floor elevations (three storeys) are predominantly stone. To the rear and also within the site boundary is a small, gated yard beyond which the rendered northern elevation to 65 New Street with its fire escape stair can be seen. The southern wall of the adjacent building is built in red brick. Albert Yard is a pedestrianised, block-paved street that is accessed by a narrow passageway from New Street.

### **Description of Proposal**

The application is for change of use and conversion of the existing buildings, forming a split-level six storey development including a four-storey roof-top “tower block” extension and enclosed courtyard to create 25 dwellings (of which 19 would be for students, the other six general residential), and sub-division of the retail unit forming 61-63 New Street.

The dwellings would consist of:

- 6x one-bedroom flats at ground, first and second floor, fronting Albert Yard;
- 6x duplex dwellings at 1<sup>st</sup> and 2<sup>nd</sup> floor, partly within the rooftop extension, of which one would be two-bedroom, the rest single-bedroom;
- 6x one-bedroom flats within the rooftop extension at 3<sup>rd</sup> and 4<sup>th</sup> floor;
- 6x one-bedroom flats and one single-bedroom duplex at 1<sup>st</sup> and 2<sup>nd</sup> floor above the retail units fronting New Street.

The general residential units would all face Albert Yard.

The rooftop tower block would be positioned to the rear of 65 New Street with its outlook to the north and would protrude 4.2m over the flat roof of 65 New Street and 1m above the ridge of 61-63 New Street’s roof. It would have a flat

roof and would be faced in modern materials. The internal courtyard would be at first floor level, enclosed by the new structure and the existing rear part of 63 New Street, and would provide private amenity space for dwellings 5-10.

Within the gated area accessed off Albert Yard at the rear of the building a four-storey extension would be built to provide stair access to the upper floors, with a roller shutter door for service access at basement level. This would be set back 2m from the main Albert Yard elevation, and faced predominantly in off-white rendering, but with a stone return at each corner to the front elevation.

The basement would be used for bin storage, cycle storage, a 36sqm office, and extra space for one of the retail units. The existing space under 65 New Street is, however, not designated for any use under the proposals except for the eastern end, which is labelled as a loading bay and commercial bin store, and is to be extended 4m.

61 and 63 New Street are to be split into two separate units with new shop fronts, which would comprise full-height glazing in aluminium frames with central double doors, but with traditional timber detailing at fascia level and concealed shutters. Traditional-style shop fronts are also proposed for the office units fronting Albert Yard. All existing windows are to be retained, and window bars removed.

### **History of negotiations/amendments received**

16/05/2023: Amended plans submitted. These were re-publicised in the same manner as before except with a 21-day period for the neighbour letters.

June 2024: Applicant informed case officer that most units were now intended to be student residences. As a result, the proposal was re-advertised with amended description by site notice, press advertisement and neighbour notification letter.

### **Relevant Planning History**

2021/93306: Listed Building Consent for change of use and conversion of existing buildings, forming split-level six storey development comprising four-storey stairwell, four-storey roof-top tower block and enclosed courtyard to create 25 dwellings and sub-division. Awaiting determination.

2020/20366: Pre-application advice request. A meeting was held with officers and then a formal response was issued. Further discussions took place with KC Conservation and Design to agree the scale and massing of the proposed development.

### **Representations**

Final publicity date expired: 08/06/2024.

The proposal was initially publicised by site notice and press advertisement in addition to neighbour letters, as the site is within a conservation area and would affect a listed building or its setting. This publicity fulfilled the council's statutory requirements.

Three representations were made in response to initial publicity.

- I am one of the owners of 1-3 Ramsden Street and Ramsdens Solicitors are tenants in the building which abuts the proposed development. My comments are made on behalf of the building owners and Ramsdens as tenants and are as follows;
  - We are generally in favour of town centre redevelopment.
  - We were not consulted by the developer in relation to this proposal prior to the application being submitted.
  - The proposed development would entirely block all the windows in the rear elevation of our building as the proposed new building would abut the rear elevation and be built to the same height. There is no provision for nor indeed any realistic possibility of getting natural light to those windows. The developer does not have our consent to block the windows.
  - Ramsdens is an office environment where people deal with difficult issues which require high levels of concentration and the potential disruption mainly in the form of noise over a prolonged period could be very disruptive and may well affect productivity unless it is very tightly controlled.
  - We have a fire escape route which runs through this proposed development and this must be preserved or adequately rerouted.
  
- My business premises is situated 10 metres from the proposed development. We operate until 3am 2 nights per week and till 1am Wednesdays and have regular live bands that play late into the night sometimes until 1am and beyond. There is live recorded music played by DJs on 2 floors until 3am with dancing. This proposed development will not be conducive to a late night venue on its doorstep. Our kitchen extraction system is in direct view of this development and blows in that general direction we serve food until late most evenings. Our private function venue is on the top floor under the flat roof which has skylights dotted around. There is no sound insulation. Our flat roof is opposite the proposed development approx 10 metres I would insist on a noise survey be instigated and taken at intervals late at night on weekends 12 Midnight, 1 am, 2am, 2-30am. If this project goes ahead it will certainly lead to restrictions being imposed on our business and ultimately our closure.

New publicity by site notice, press advertisement and neighbour letter was undertaken (expiring 31/07/2023), as a result of the substantial amendments to the plans, received in June.

- One new representation received: Huddersfield Civic Society concur with the views of KC Conservation and Design, but emphasise that issues need to be resolved given it has been two years since the application was submitted.

A final round of publicity was undertaken using the same methods as before because of the change in description. The change to (predominantly) student flats was considered to be significant enough to allow the opportunity for new public comment. One representation was received as a result, which was in support:

- Huddersfield Civic Society concurs with the updated comments submitted by KC Conservation and Design, dated 24/07/2023, and hopes that this application can now be conditionally approved. It also notes that an original objection submitted by the owner of the nightclub on Ramsden St/Victoria Lane appears to have been negated by the recent application 2024/91269 to convert the club to a sports bar and members' billiard club.

Ward Members (for Newsome ward) were consulted in the initial round of consultation and publicity but did not make any comment.

## **Consultation Responses**

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

### *Internal*

- KC Strategic Housing – Housing mix is acceptable, existing vacant floor space greater than the new proposed development, therefore no affordable provision will be sought.
- KC Landscape – Support subject to landscaping condition and off-site contribution to POS.
- KC Ecology – Support subject to bat and bird box provision.
- KC Highways Development Management – Support subject to condition on secure cycle storage.
- KC Conservation and Design – Support subject to conditions.
- KC Environmental Health – Support subject to noise, contamination, CEMP, hours of use and kitchen extraction conditions.
- KC Education – No contribution required.
- KC Policy – Support subject to off-site open space provision.
- KC Lead Local Flood Authority – Support (unconditional)
- KC Strategic Waste – No objection.

### *External*

- Yorkshire Water – Support subject to drainage conditions

- Coal Authority (now the Mining Remediation Authority) – Support (unconditional).
- Historic England – No comment.
- Health and Safety Executive (fire safety) – Do not formally object, but raise concerns which if not resolved at the planning stage, may result in approval not being given to the proposed design at subsequent stages and the plans would need to be revised. These comments, made December 2022, were forwarded to the applicant.
- West Yorkshire Police Designing Out Crime Officer – Support subject to conditions.

## **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 27/02/2019).

- The site is within Huddersfield Town Centre Conservation Area.
- The site is within the Primary Shopping Area. New Street is a Primary Retail Frontage.
- 61 New Street is a listed building, Historic England ref: 1228297
- Other constraints: Swift nesting records, coal referral area.

## **Kirklees Local Plan (LP):**

- **LP 1:** Presumption in favour of sustainable development
- **LP 2:** Place shaping
- **LP 3:** Location of new development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 13:** Town centre uses
- **LP 14:** Shopping frontages
- **LP 15:** Residential use in town centres
- **LP 17:** Huddersfield Town Centre
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 35:** Historic environment
- **LP 52:** Protection and improvement of environmental quality
- **LP 53:** Contaminated and unstable land.

## **Supplementary Planning Documents:**

- KC Highways Design Guide
- Housebuilders Design Guide SPD

- Open Space SPD
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024 (updated February 2025), the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 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. Relevant chapters include:

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- 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 –

- Principle of development
- Impact of development on vitality and viability of Town Centre
- Housing issues
- Impact on visual amenity (including heritage considerations)
- Impact on residential amenity
- Impact on highway safety
- Section 106 Agreement
- Other matters
- Representations
- Conclusion

#### Principle of development:

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to stating that:

*“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.”*

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years has fallen below the 75% pass threshold.

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development.

For decision making this means:

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- 1. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations whereby the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test has fallen below the 75% pass threshold.

The council’s inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers’ assessment.

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. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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. In this context preservation

means not harming the interests of the building as opposed to keeping it unchanged. Furthermore, Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that harm should not be permitted without a proportionate justification. This approach is also supported by Policy LP35 of the Local Plan.

Policy LP15 states that proposals for residential uses in town centres will be supported subject to several criteria. Criterion (a) particularly seeks the protection of primary shopping areas and primary shopping frontage by permitting residential uses on the upper floors, and not prejudicing existing established uses. Policy LP17 confirms the council's intention to create new space within Huddersfield for town centre living. Town centre living is also encouraged in the vision for the town centre as set out in the Huddersfield Blueprint.

Other policies throughout the Local Plan, including LP7, promote the re-use of existing buildings and the use of brownfield (previously-developed) land to meet development needs and support the regeneration of areas (this is identified as a Strategic Objective at paragraph 4.5), and policy LP24 states that proposals should promote good design by ensuring high levels of sustainability through the re-use and adaptation of existing buildings. Similar policy objectives are set out in chapter 11 of the NPPF. The NPPF promotes a positive approach to mixed-use developments.

The principle of introducing residential uses at the application site, which is considered to be in a sustainable location, is supported as it would be in line with the ethos of the stated planning policy objectives.

The following assessment of the application will also give appropriate weight to the aims of housing mix and balance, amenity, transport and environmental considerations as detailed in the Local Plan policies and SPDs listed above.

#### Impact of development on vitality and viability of Town Centre:

The site lies within the Primary Shopping Area of Huddersfield Town Centre. New Street is a Primary Retail Frontage.

Under Local Plan policy LP13, centres should provide a mix of uses that help to sustain both the daytime and evening economy, conserve or enhance the public realm and provide a welcoming and inclusive environment for all users. Policy LP14 states that uses within Primary Shopping Areas will be expected to maintain active ground floor uses (but not necessarily retail or main town centre uses). Retail uses should be maintained within Primary Shopping Frontages, with other main town centre uses being considered subject to criteria (a-d). Similarly, policy LP15(a) and (c) states that town centre residential use is to be supported as long as it protects designated retail frontages and existing ground floor commercial uses.

The proposal would help to bring 61-63 New Street back into use by subdividing and enhancing the existing unit. The applicant's supporting statement envisages that these units would be occupied by a retail use. Under the current version of the Use Classes Order, it is noted that retail falls within Class E, and change to another use within Class E (which covers a wide range of uses including sale of food and drink for consumption on the premises) is permitted without the need to seek planning permission. At the time when the Local Plan was written and adopted, the flexibility to change from retail use to another commercial use was much more limited. It is considered that the possibility of one or both of the units being put to a use other than retail (within Class E) is not a cause for concern and there would be no clear planning justification for seeking to limit the use to only Class E(a) (display or sale of retail goods). Such a condition would limit the future flexibility of the site, would hamper the ability to use the building, and may risk causing the floorspace to remain vacant. Whilst retail uses would still be preferred in this part of Huddersfield Town Centre, other commercial uses (that could be opened here) would at least ensure that an active frontage is maintained.

The proposal would also restore an active (but non-retail) frontage to Albert Yard.

In conclusion, the proposed development would strengthen the functionality of the Primary Retail Frontage, and could encourage increased footfall in the Primary Shopping Area and would thereby contribute to the wider aim of enhancing Huddersfield Town Centre's vitality and viability. It is judged to be compliant with the aims of the above policies and those of NPPF Chapter 7. Compatibility with the aims of the other parts of policy LP15 will be assessed in subsequent sections of this report.

#### Housing issues including affordable housing and provision of open space:

##### *Quantum of development:*

The application would result in the provision 25 dwellings in an application site extending to about 830sqm which would offer the equivalent of 300 dwellings per hectare. This is far higher than the 35 dwellings per hectare recommended by policy LP7 but is considered to represent an efficient use of land in an area where residential densities are generally high.

##### *Housing mix and balance, and affordable housing:*

The council's Housing Mix and Affordable Housing SPD seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing.

For this development, the normal Local Plan requirement for affordable housing would be five units (20% of 25 units). 150% (2,000sqm) of the proposed floorspace (1,330sqm) is already existing (as vacant building). This makes the existing vacant floorspace greater than the new proposed development. Therefore, applying the principle of Vacant Building Credit as

established in the NPPF, it would not be appropriate for the council to seek affordable housing provision.

According to the Affordable Housing and Housing Mix SPD, student accommodation is not expected to contribute towards meeting the demand for affordable housing, nor does student accommodation need to adhere to the recommended unit size mix for the area.

For the six general residential units, all would be single-bedroom. The site lies within the Huddersfield South sub-area within which the recommended breakdown is 30-60% one- and two-bedroom, 25-45% three-bedroom, and 10-30% four-bedroom units. The provisions within the Affordable Housing and Housing Mix SPD do not, however, require that developments of 10 or fewer dwellings, and on sites of less than 0.4ha, provide a mix of housing types.

In conclusion, the development is considered acceptable in relation to unit size mix and affordable housing. The development would contribute towards meeting local housing needs.

#### *Open space:*

As this proposal is for more than 10 dwellings, new open space provision is required in accordance Local Plan policy LP63 (New Open Space) and the council's Open Space SPD to meet the needs of the development. This is based on an assessment of the quantity, quality and accessibility of the existing open space within the area taking into account any deficiencies.

As this is a town centre apartment proposal, apart from the proposed internal courtyard there are limited opportunities to provide open space on-site. An off-site contribution of £34,323.89 is required to fulfil the above policy objectives. This is a revised figure based on the scheme now being mainly composed of student residences (which do not incur contributions for children and young people's provision or for outdoor sports) and has been incorporated into the completed Section 106 Agreement.

It is recommended that permission be subject to a condition stipulating that all dwellings (other than those stated to be general residential) should be for occupation by students only, since a development consisting mainly or wholly of general residential units would not be acceptable without a significantly larger contribution to off-site public open space.

#### *Education:*

As the total provision would fall short of the threshold of 25 two-bedroom dwellings, the requirement for an education contribution does not apply.

#### Impact on visual amenity and heritage considerations:

##### *Assessment of existing heritage assets and visual context:*

61-65 New Street is part of a terraced row of retail premises located within the Huddersfield Town Centre Conservation Area. The facades face New Street which is one of the principal shopping streets within the town centre and the north-facing side elevation faces Albert Yard. 61 New Street is a three-storey Grade II listed mid-terraced building which dates to the early 19th century. This property has a white lime rendered façade and stone slate roof, with a modern shop front on the ground floor, two pairs of tripartite windows on the first floor and two sash windows on the second floor. 63 New Street is described within the same listing description, and the building projecting to the east from the rear of 61 and 63 New Street is part of the same building and is therefore included in the listing. In recent years it has formed part of the same retail premises.

65 New Street is not listed. Several Grade II listed buildings surround the site, including the former Prudential Assurance building at 69 and 71 New Street on the corner of the same terrace, and several listed properties on the west side of New Street. In addition, several unlisted buildings within the immediate vicinity contribute to the character of the Huddersfield Town Centre Conservation Area including The Albert PH.

To the east of Albert Yard is the Grade II listed Huddersfield Library, a prominent building dating to 1937, and to the south of this is the Grade II listed Queensgate Market constructed in 1968-70, presently undergoing partial redevelopment under permission 2022/93248. These buildings and the piazza surrounding the library are a key part of the Huddersfield Blueprint vision, with the regeneration of this area forming the proposed cultural heart of the town. 19<sup>th</sup> century yards are characteristic of the Huddersfield Town Centre Conservation Area and add interest when viewed from the main streets, reflecting the commercial and industrial past of the town.

The scale of the application site existing building complements The Albert PH when looking west along Albert Yard, although the significance and character of the yard has been reduced substantially by the construction of modern retail premises to the north, with a large blank brick wall alongside which refuse containers are stored.

To the rear of 61-63 New Street is a long, narrow four-storey structure, built in coursed hammer dressed stone with a pitched hipped stone slate roof and ranges of windows on the upper floors. The most prominent elevation of this building is the north elevation facing Albert Yard. This elevation is constructed in coursed hammer dressed stone with ranges of large timber framed windows on the upper floors, mostly sashes, fixed lights and casements with some leaded light glazing. Some windows appear to be original. At the west end of this elevation are loading doors on the upper floors which are indicative of their historic function, and on the ground floor are later shop fronts, some blocked up and some with security shutters. A large section at the east end has been rebuilt and finished in painted render.

The east elevation faces a small yard set behind metal gates, with an external full height metal fire escape fixed to the building. This elevation and part of the

north elevation is rendered and painted, with windows on all floors. The top floor of the south elevation is partially visible above a large enclosed flat roofed retail premises which has no significance or interest.

This existing building is typical of 19<sup>th</sup> century warehouse buildings within Huddersfield and despite the later alterations which have a negative impact (including the render and external fire escape), the building itself makes a positive contribution to the character of the conservation area. It has been internally subdivided on the lower levels, with the top floor remaining a single space with exposed trusses and historic winding gear.

*Conversion and adaptation of existing building:*

The proposed development has undergone significant amendments during the application process. The proposal is to convert all floor levels into apartments, with subdivision necessary to create habitable rooms. The previously-proposed basement apartment has been omitted and replaced with an office unit with the shop front window retained.

Proposals within the ground floor (first floor of the warehouse) space, and within the floor above, are acceptable, with the removal of non-historic partitions and subdivision to form apartments. The public benefits of bringing this floorspace back into use, while retaining historic features, outweighs the slight harm to the significance of the building caused by the reduced legibility of the space.

The existing shop front is modern and 61-63 New Street was historically two units. The restoration of these premises to two units with two separate shop fronts is therefore welcomed. The amended plans show a more sympathetic design than those originally submitted – the applicant now proposes two shop fronts with traditional timber surrounds and aluminium framed windows. The re-introduction of traditional detailing is welcomed. However, further details of the proposed shop fronts, including elevations and sections, would need to be submitted for approval to ensure that they are sympathetic to the listed building and conserve its character. This should include details of security shutters (if the developer deems them necessary), which should be either internal or perforated with internal shutter boxes.

Following discussions, the proposal has been amended so that the windows on the north elevation facing Albert Yard would be repaired or replaced to match the existing. A window schedule submitted with drawing 2655(100)20F is considered generally satisfactory – it shows the windows on the top two floors retained, with glazed panels inserted into the loading doors so that the legibility of the building as a former warehouse is retained. The removal of the glass in ground floor windows 22-24 and 27-30 (first floor facing Albert Yard), with new double-glazed units in the existing frames, is proposed. It is recommended that the treatment of the windows on this floor level is amended, however this could be included as a condition of any Listed Building Consent granted.

The stair tower extension (shown on elevations 1 and 4) would be clearly subordinate to the listed building to which it would be attached. It is considered that its design and proportions respect the character of the building. It would cover part of the eastern elevation of the warehouse building, including some window openings, but it is considered that it would not result in the loss or obscuring of any features that are critical to the building's significance or interpretation. It would introduce a new element of off-white rendered walling into an area in which stone predominates. The existing building, however, also contains rendered and painted elements, and it would replace an existing blank rendered elevation and external fire escape, which in themselves do not contribute positively to the building's character or historical interest. It is therefore considered to represent a modest enhancement to the character of the conservation area and it is considered that it would not diminish the significance of the listed building.

KC Conservation and Design also recommended that boundary treatments should be low stone boundary walls and / or railings instead of the fences that are shown. Officers have given consideration to this suggestion but conclude that since the fences would not be visible from outside the site, and as rooftop gardens are not a traditional feature in Huddersfield Town Centre in any case, they would have no detrimental impact on heritage assets or the wider street scene, and are acceptable.

*New apartment block:*

Concerns were previously raised regarding the height and design of the proposed structure, which, whilst it does not involve any intervention into the structure of a listed building (since it would be formed within the footprint of 65 New Street which is not listed), would have the potential for impact on the setting of the nearby listed buildings and the wider conservation area. The height of the proposed apartment block has been reduced by one storey to reduce its impact in the street scene and it would not only be slightly taller than the ridge height of 61-63 New Street. It would be visible when viewed from the east, but would be set back from Victoria Lane with The Albert PH and 40 Victoria Lane concealing it to some degree. The cladding material has been clarified as Argeton ceramic tiles (iron grey fluted) with some articulation, with a feature wraparound element of contrasting colour introduced to the southeast corner (as shown on "Elevation 4") to add visual interest when viewed from the new Cultural Heart development. The revised proportions are an enhancement, and the proposed dark cladding reflects the colour of the pitched slate roofs within the vicinity.

Officers now have no objections to the proposed new extension above the rear of 65 New Street, as revised. It is still considered that this element of the scheme would give rise to harm to the character and appearance of the conservation area and the setting of the nearby listed buildings as it would project slightly above the existing roof line and would therefore be visible from outside the site. However, the degree of harm would be very low as the building is set within an enclosed site and most of it would be hidden from view, and the harm is therefore judged to be less than substantial. The

proposal has not been accompanied by financial information demonstrating that the upward extension is essential to ensure the optimum viable use of the building, but as the degree of harm to heritage assets would be very slight, it is considered that the proposal can be justified without further supporting information. The public benefits of bringing the site back into an income-generating use, enabling the restoration of the historic warehouse, and providing residential accommodation in the town, are considered to outweigh the very slight harm caused, thereby supporting the aims of paragraph 215 of the NPPF.

#### *Landscaping:*

Owing to the lack of ground-level open space within the site, opportunities for landscaping are limited. Rooftop landscaping is to be provided at second floor level comprising buff paving and artificial grass to private courtyards and, to enhance the public areas, a raised bed planter containing a mixture of shade-tolerant climbing plants and trained trees on trellis.

KC Landscape have requested further details, including dimensions of the planter/s and trellis and soil volumes, a planting plan with details of species, densities, planting mix, watering regime and details of how the landscaping would be managed and maintained in the long-term.

It is considered that the information submitted contains enough detail for the application to be determined. Within the limitations of the site, officers are satisfied that opportunities have been taken to maximise on-site landscaping and thereby enhance the amenity of the site for future residents.

However, a condition requiring full details of all soft landscape works, to include planting plans, species, plant sizes, proposed numbers and densities where appropriate, and an implementation, management and maintenance programme, is considered appropriate.

#### *Conclusion:*

The restoration of the existing buildings including the former warehouse is welcomed as it would, subject to conditions, enhance this part of the conservation area and the visual amenity and character of the wider town centre, and would ensure the long-term future of a listed building. It would only give rise to a very small degree of harm to the significance of the listed building, the character and appearance of the conservation area and setting of adjacent listed buildings, which would certainly be less than substantial and justified by the wider public benefits as set out above.

KC Conservation and Design recommend the following conditions

- Full shop front plans, elevations and sections to be submitted for approval, including security measures such as shutters.

- Details of proposed new windows and glazing in the former warehouse building including 1:20 elevation and 1:5 section drawings to be submitted for approval.
- Proposed external door details for the warehouse, including sections and elevations to be submitted for approval.
- Stair tower window details to be submitted for approval.
- Following the removal of metal window bars, the stonework shall be repaired with lime mortar to match the existing (cleaned) stonework, or with stone indent repairs to match the existing stone.
- Details of the stone cleaning method including a method statement shall be submitted for approval, with a sample panel of cleaning prepared on site. Sandblasting will not be permitted.
- Any pointing should be carried out in lime mortar to match the original mortar and finished flush or slightly recessed. Hand tools shall be used for the removal of existing pointing. Strap pointing shall not be permitted.
- The removal of render shall be carried out carefully to expose the substrate. If this is a later infill and not stonework, details of alternative wall treatments shall be submitted for approval. If stone, it shall be left exposed. If blockwork, it shall be re-rendered.
- Details of render type, colour and texture to be submitted for approval along with a sample panel.
- External material samples shall be submitted for approval.
- Apartments within the new building shall not be occupied until the restoration of 61-63 New Street and the warehouse to the rear is substantially complete.

It is considered that the above conditions would serve a valid planning purpose as they would seek to ensure that all aspects of the heritage value of the building, and indirectly the wider conservation area, are appropriately conserved and enhanced. It is, however, recommended that most of these conditions should not be applied to the decision notice for this planning permission but would be applied to the Listed Building Consent only, since they relate to the finer details of design and finishes to the listed building, and as such would normally be considered under the remit of a Listed Building Consent application.

Conditions can also be merged where appropriate.

The condition that no apartments within the new building be occupied until the restoration of 61-63 New Street and the warehouse to the rear are substantially complete would, although not a standard condition, help to ensure that the development contributes to the restoration and regeneration of the listed building and other buildings of heritage value within the conservation area, and would thereby serve a legitimate planning purpose.

Subject to the above, the development would respect the quality and character of the townscape and landscape, would contribute to the conservation and enhancement of heritage assets, and would accord with the

aims of policies LP24a and LP35 of the Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Impact on residential amenity:

*Privacy, outlook and internal space:*

Local Plan policy LP24(b) and chapter 12 of the NPPF require planning decisions to deliver a high standard of amenity for future and existing residents.

The Housebuilders' Design Guide SPD is intended to apply principally to wholly new developments rather than those formed by extension and adaptation of existing buildings. However, the principles within it, especially those relating to residential amenity, may be treated as useful guidelines.

The following principles within the Housebuilders' Design Guide SPD relate to residential amenity:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

Windows in the historic elevation of the building that fronts Albert Yard would face the brick wall of the opposing building at a distance of just over 6m. Windows on the ground and first floor especially would thereby experience

limited light and outlook. This would contribute to a reduced level of overall amenity, especially in the case of dwellings which only just meet the recommended minimum floorspace (units 3 and 15) and furthermore have no private external amenity space. However, it is accepted that residential conversion is the optimum viable use of the building, and since only 6 of the proposed 25 units would experience such a significant limitation on light and outlook, it is considered that the sub-standard level of amenity achieved for these units would be justified by the wider benefits of the scheme (as set out earlier in this report).

All windows within the new rooftop extension would face northwest and northeast. The duplex dwellings, units 5-10, would also have their outlook obstructed at very close quarters (approximately 4m) by the opposing wall to units 3-4 and 15-16, and would therefore be limited in their ability to receive natural light. They would be provided with private amenity space, however, which would to a degree serve to compensate for limited light and outlook for the rooms. On balance, although the level of amenity provided for units 5-10 would probably be deemed unacceptable for a wholly new build development, it is considered acceptable in this instance as being the best way of ensuring that an economically viable residential scheme is delivered that ensures the future conservation of this listed building.

For the north-facing flats on the third, fourth and fifth floors, windows would still be limited in their potential to receive direct sunlight, but would be 16m away from the nearest facing wall, so would not have a significantly obstructed outlook. The angling of these elevations away from due north would at least improve the levels of natural illumination and sunlight penetration they would experience in the summer.

The flats and maisonette above the retail units would each have the principal window to their living room / kitchen facing outward to New Street. Some of the bedrooms would face outwards, others would face east, towards the rooftop extension and courtyard, and as such would have a somewhat limited outlook. However, as the outlook for the living areas would be relatively open, this is judged acceptable.

The site is in a predominantly commercial area. The distance between facing elevations on New Street is 16m. It is recognised that some of the upper floor space above 58-60 New Street may have the potential to be converted to residential use, but if so, the degree of separation (across the highway) is considered to be enough to maintain privacy. There are no existing residential units in the vicinity of the site that have the potential to be overlooked at close quarters or have their access to light reduced as a consequence of the proposed development.

Internal floorspace for the single-bedroom duplex dwellings would vary between 56sqm and 61sqm. The recommended minimum floorspace for a two-storey dwelling with one bedroom is 58sqm, and one dwelling (unit 7) would fall short of the standards by 2sqm. The design of this unit appears to have been dictated by the position of the existing smoke shaft which would be

retained, resulting in the bedroom being approximately 2sqm smaller than the neighbouring duplex dwellings, however the amount of space in the living room would be the same. As the design and layout of the scheme has been chosen to make the most efficient and effective use possible of this listed building, and thereby ensure its future viability, it is considered on balance that this small shortfall in standards can be accepted for this one unit, in the context of the development as a whole.

The two-bedroom, two-storey unit proposed would also be compliant with the standards, at 73sqm (70sqm minimum is recommended in the NDSS).

The single-bedroom flats would be of a range of sizes, however the smallest dwelling would still meet the recommended minimum floorspace for a single-storey, single-bedroom dwelling with a shower room (37sqm).

In conclusion, it is considered that the level of amenity provided at least for some future occupants would fall short of what is generally considered desirable, especially for the duplex dwellings (units 5-10) which would have limited natural light to, and outlook from, windows. However, any proposal for the conversion and extension of a listed building must take into account the benefits of delivering a future income stream that would help ensure the building is conserved. Taking a holistic view of the development proposal, and the benefits of maximising the amount of income-generating floorspace within the development so as to ensure its future conservation, it is considered that the level of amenity delivered would be acceptable and compatible with the aims of Local Plan policy LP24(b).

#### *Noise and odours:*

The assessment of this application must consider existing sources of noise and the impact this could have on future residents.

The applicant has submitted an Environmental Noise Survey, Noise Break-in Assessment and Sound Insulation Scheme authored by NOVA Acoustics dated 13/04/2023 ref 7856SA v002.

The report acknowledges that the area surrounding the site is primarily commercial in nature with a minority of residential dwellings. At the front, the noise profile is typical for this type of area and is dominated by road traffic noise emissions from surrounding roads and footfall from pedestrians and patrons of the local retail units and public houses. Plant units are located to the rear of the site which service the neighbouring public house (The Albert). A commercial refuse area associated with the surrounding commercial premises (The Albert, The Rock Café and Cask Ales) can be found in Albert Yard, located to the north of the proposed development. Buses frequently pass to the south. Therefore, at the rear, the noise profile is also dominated by road and patron noise. However, the sporadic noise emissions from commercial activity at Albert Yard are assumed to be dominant when occurring.

Reference is made in Section 2 to the commercial refuse area, the collection of which is assumed to be dominant when occurring. BS4142 is used to assess the level of noise associated with the rear commercial refuse area and plant units. No exact operation hours of the refuse yard are available, therefore the ambient sound level has been taken from the highest 1hr for daytime and the highest 15 min for night-time while the residual has been taken from the lowest 1hr and 15min data. Table 4 presents the calculated Specific Noise Levels for both the day and night-time periods. In addition, a rating penalty of 5dB has been applied to account for audible characteristics of the sound which may be deemed to cause increased annoyance – 3dB to account for the delivery noise emissions being intermittent and an additional 2dB applied to account for the slight tonality of both delivery and plant noise, and this is reflected in table 5.

To fully protect the amenity of future occupants from commercial noise produced by the adjacent commercial properties, sound reduction of those façades deemed to be affected by the noise emissions has been specified considering the 63Hz octave frequency band in order to account for low frequency components of any commercial noise. In order to correctly specify the required sound reduction, the façades have been divided into two colour groups: red and green, and appropriate models of glazing and ventilation for each façade colour are shown in tables 6 to 8.

Secondary glazing and double-glazing options have been given for both façades as it is thought the new extension to the building is likely to have double-glazing installed. This will need to be stated and the respective mitigation measures installed. Due to the elevated noise levels, secondary ventilation is required and the report proceeds to recommend through-wall ventilation, and an acoustic specification is given in table 9 for a Greenwoods MA3051 unit to be installed in living rooms and bedrooms to both facades. Table 10.0 recommends the internal noise levels from mechanical ventilation and it is imperative that these limits are adhered to in order to ensure the internal requirements of BS8233 are met and comment is made by the author to reflect this. Section 6 of the report predicts the internal levels will meet with the internal requirements of BS8233 based upon the submitted information. This is applicable to both the red and green facades with double and secondary glazing, reflected in tables 12 to 14. There is a slight exceedance in the 63Hz band, which is exceeded by 3dB. However, this exceedance is deemed negligible, and this is accepted. Reasonable assumptions for the façade and roof construction are made and a specification is given in Section 7 where rooms are within the roof space, and this must be adhered to if there is to be any occupation within these areas.

Section 8 assesses the noise from the proposed commercial units both on the ground floor of 61-63 New Street and in the adjacent buildings. These commercial units are currently vacant, and their intended use is not known, but assuming that they are to be used for retail or other uses within Class E, they are not expected to generate high levels of noise. To ensure the amenity of future residents is fully protected, it is recommended within the report that the separating floor achieves a minimum of 10.0 dB above the criteria shown

in Part E of the Building Regulations, meaning that the floors and walls must score a minimum of 53dB DnT,w + Ctr when tested for airborne sound attenuation and a specification for materials and construction is given. This figure is contrary to the West Yorkshire Planning Consultation Guidance document which requires the applicant to demonstrate that the airborne sound insulation performance of the party wall/ceiling of the development is of a minimum of 55dB DnT,w + Ctr, and whilst there is only a slight difference in levels, officers accept the advice of KC Environmental Health who ask that the upper level is met. Based upon assumptions for the construction, the report shows the current sound insulation would not meet with the required level and so a specification is given for the floor and wall construction to achieve the level of attenuation required. This may require revision based upon the slightly higher requirement referred to above.

KC Environmental Health, however, consider that the report has been prepared to a high enough standard to allow permission to be granted, subject to the following conditions:

- Before first occupation of any dwelling, all works which form part of the sound attenuation scheme as specified in the Environmental Noise Survey, Noise Break-in Assessment and Sound Insulation Scheme shall be completed and written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to the Local Planning Authority.
- Before first occupation of any dwelling, the developer shall provide written evidence to the Local Planning Authority to demonstrate that the airborne sound insulation performance of the party floors, walls and ceilings of the development is of a minimum of 55dB DnT,w + Ctr.
- A Construction Environmental Management Plan (CEMP) shall be submitted for approval, to ensure that neighbouring properties are protected from the effects of noise, dust and artificial lighting.
- Details of ventilation required before any cooking commences in the commercial units.
- Details of methods to prevent fats, oils and grease entering the public drainage system required.

These are considered reasonable in the interests of protecting the amenities of future residents, the amenities of the area, and preventing pollution and blockage of the drainage system, and it is recommended that they should be imposed.

Subject to the above the development would accord with the aims of Local Plan policy LP52 and Chapter 15 of the NPPF.

#### Impact on highway safety:

##### *Parking:*

The Highway Design Guide SPD recommends that as a starting point, the provision of one parking space for every apartment with one or two bedrooms

should be regarded as desirable, but in applying this standard the specifics of the site (including accessibility) must be considered. In this instance the site is very accessible, being located within Huddersfield Town Centre, and the inclusion of residents' or visitors' car parking would not be appropriate. Since the development would not be likely to result in an increase in cars or other vehicles visiting the site, it would have no impact on the safe or efficient operation of the local highway network.

#### *Cycling provision:*

Local guidance requests 1 cycle parking space per dwelling. In this case a total of 25 safe and secure cycle parking/storage spaces would be required. Safe and secure cycle storage provision assists in the aims of encouraging healthy and active lifestyles. Drawing (100)10 rev D shows a 4m x 10m room within the basement for cycle storage. The cycle storage would be accessed via Albert Yard, an adopted shared surface access of approximately 5.3m width with street lighting present that acts as a pedestrian route between New Street and Victoria Lane and is within the town centre's pedestrianised zone. However, no details of internal arrangements (racking) or of how the routes from ground level to the room would be provided to allow cycles to be easily manoeuvred up and down any stairs along the route (this should be achievable with the installation of cycle gutters along the stairs). Details of how security to the room would be arranged should also be provided. These matters can be conditioned.

#### *Waste storage and collection:*

Waste storage is shown within the basement level and would be accessed via Albert Yard and Victoria Lane. Albert Yard is already used for the storage of waste bins. It is understood that refuse collection arrangements for the existing businesses served by Albert Yard work satisfactorily. KC Highways Development Management recommend that the exact details of refuse collection are agreed with the Kirklees Waste Strategy team at the earliest opportunity, but have not advised this be required via a condition. The applicant's agent has confirmed, in an email exchange with the case officer, that waste collection will be carried out by a private operative. It is considered that no further details need be sought or conditioned.

#### *Conclusion:*

In conclusion, it is considered that the application is acceptable on highways grounds subject to further details of cycle storage being conditioned, and would thereby support the aims of policies LP20, LP21 and LP22 of the Local Plan.

#### Section 106 Agreement:

A Section 106 Agreement has been entered into in which the applicant undertakes to make an off-site contribution of £34,323.89 towards the improvement of public open space facilities within the vicinity of the site.

## Other matters:

### *Climate Change:*

On 12/11/2019, 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.

At the time of the submission of this application, a Climate Change Statement did not form part of the validation requirements. A Climate Change Statement was, however, submitted. The following proposals to reduce carbon emissions are noted:

- Electricity-only supply to dwellings with smart metering – no gas boilers;
- A quantity surveyor will be employed to ensure materials are ordered in the correct quantities reducing waste and excess deliveries;
- All controls for heating will be on timer thermostats. All lighting in communal areas will be on sensor switches.
- All fitted white goods within the development will be a minimum A rated appliance.
- Materials to allow modular off-site construction, sustainably sourced timber;
- Wall insulation to offer optimum U-values, high-efficiency glazing;
- Saw-tooth design maximises natural light; and
- Solar panels to be fitted to flat roof.

The proposed development involves the partial reuse and enhancement of an existing building, with some new build, and would therefore involve a saving of embodied carbon/energy when compared with a scheme involving demolition and new build. To ensure that opportunities to reduce carbon emissions are fully exploited, it is recommended that a condition be imposed requiring that details of the proposed solar array are submitted, and thereafter installed and retained.

### *Ecology:*

Under the statutory framework for biodiversity net gain as set out in the Environment Act 2021 and subsequent Government guidance, subject to some exceptions, every grant of planning permission is subject to 10% Biodiversity Net Gain (BNG) is delivered. This is only mandatory for major

applications made on or after 12/02/2024, and also does not apply where fewer than 25sqm of existing semi-natural habitat would be affected.

A 10% BNG is not required of this development. All development should, however, deliver on-site ecological enhancement in so far as is reasonably practicable, in line with the aims of Local Plan policy LP30 and Chapter 15 of the NPPF.

The site lies within an area in which there are Swift nesting records. It is not within the bat alert layer. There is no existing semi-natural habitat within the site. Given the highly urbanised location of the site and its surroundings and presence of significant dispersal barriers, the site is considered to have negligible ecological value.

The submitted elevations show the installation of two bat boxes and two Swift nesting features. Notwithstanding this, KC Ecology have requested a plan detailing the positioning, location and specification of two bat boxes and four Swift boxes.

This, if conditioned, would maximise opportunities to enhance the biodiversity of the site and would comply with the aims of Local Plan policy LP30, Principle 9 of the HDG SPD and NPPF Chapter 15.

*Crime and anti-social behaviour issues:*

The Designing Out Crime Officer has raised no specific concerns regarding the proposal but has asked for a general condition seeking details on anti-crime measures, which should cover lighting, means of access to the apartment building, strength and specifications of external doors and gates, and intruder alarms.

It is considered that the development would be likely to reduce the incidence of anti-social behaviour in this part of the Town Centre by restoring active frontages and therefore passive surveillance of New Street and Albert Yard. A general condition should, however, be imposed regarding full details of measures to protect future residents from the risk of crime, since flats or other dwellings with a shared entrance may be vulnerable to theft and burglary. This condition would help the development comply with the aims of Chapter 8 of the NPPF.

*Drainage:*

The building is served by a Yorkshire Water (YW) 300mm diameter combined sewer in New Street, approximately 4.5m deep, which appears to be lower than the basement level (subject to confirmation by site survey) and a Yorkshire Water 225mm diameter combined sewer in Albert Yard approximately 3.3 m deep. There are no surface water sewers in the vicinity of the development. The site is not known to be at risk from flooding.

It is accepted by the Lead Local Flood Authority (LLFA) that infiltration into the ground or discharge to a watercourse is not feasible for the development and, in the circumstances, discharge to the combined sewer is acceptable (subject to approval from Yorkshire Water).

It is also accepted by the LLFA that there would be no increase in surface water discharge from the development and that it is impractical to provide any attenuation of surface water flows, notwithstanding the concerns of Yorkshire Water.

The development is considered to accord with the aims of safe and sustainable drainage set out in Local Plan policy LP28.

*Fire safety:*

Given the height of the proposed development, and its uses, a Fire Statement was submitted with the application. This has not attracted objections or concerns from consultees.

*Land contamination and instability issues:*

Part of the site is registered as potentially contaminated owing to its former use as a printworks. The whole of the site is in a Coal Referral Area.

KC Environmental Health recommended that the standard contaminated land conditions be imposed. Such conditions would not normally be appropriate for a scheme solely consisting of conversion and extension of an existing building, as they would serve no purpose. However, the architect has confirmed that small-scale groundworks may be required. The conditions requiring a Phase 1 report (and subsequent reports if appropriate) should therefore be applied as a precautionary measure.

The Coal Authority (now the Mining Remediation Authority) considers that the content and conclusions of the submitted Coal Mining Risk Assessment Report are sufficient for the purposes of planning in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development and has not recommended conditions.

It is therefore considered that issues of possible land contamination and instability have been adequately addressed, or can be addressed by condition, so as to comply with the aims of Local Plan policy LP53.

Representations:

Three representations were made. Concerns relating to noise issues have been examined in depth in the main part of the report but are summarised below with officer responses:

- We were not consulted by the developer in relation to this proposal prior to the application being submitted.

**Response:** This is not mandatory unless there are land ownership issues in which case the applicant is obliged to formally serve notice.

- The proposed development would entirely block all the windows in the rear elevation of our building as the proposed new building would abut the rear elevation and be built to the same height. There is no provision for nor indeed any realistic possibility of getting natural light to those windows. The developer does not have our consent to block the windows.

**Response:** It is noted that the seven-storey building that fronts Ramsden Street has a total of five windows facing on to the application site. The proposed tower block extension would be close to the north-facing rear wall of this building. There is no clear policy basis for placing any significant weight on reduction in natural light to a commercial building. However, the amended elevations indicate that the uppermost windows would not be obstructed at all, and the lower windows only partially. It is considered that the concerns raised do not constitute grounds to refuse the application.

- Ramsdens is an office environment where people deal with difficult issues which require high levels of concentration and the potential disruption mainly in the form of noise over a prolonged period could be very disruptive and may well affect productivity unless it is very tightly controlled.

**Response:** Noise during construction can be limited by the imposition of a Construction Environmental Management Plan, which is recommended as a condition.

- We have a fire escape route which runs through this proposed development and this must be preserved or adequately rerouted.

**Response:** This is acknowledged on the third-floor plan as “approximate location of access-controlled fire escape from Ramsden Street”.

- Concerns about late-night noise from venue being incompatible with residential use and leading to complaints.

**Response:** Since this objection was lodged, a noise survey has been undertaken (including of late-night noise) and the results analysed by KC Environmental Health. On this basis, officers are satisfied that it would be appropriate to grant conditional approval.

### 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 – CONDITIONAL FULL PERMISSION**

## **Decision Authorisation: Delegated Powers**

**Application Number: 2021/93305**

**Officer Recommendation:** Grant full planning permission (subject to conditions and Section 106 agreement)

### **Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP24, LP28, LP30, LP35, LP52 and LP53 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

3. All apartments except those annotated as "General Residential" on the proposed floorplans shall only be occupied by students, defined as persons whose main residence is elsewhere and who are enrolled on recognised full-time courses at one of the higher educational establishments in the borough of Kirklees only, and for no other purpose (including those in Classes C3 and C4 of the Town and Country

Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any instrument revoking and re-enacting that order with or without modification.

**Reason:** To accord with the terms of the application, given the standard of residential accommodation hereby approved, and due to the off-site contribution to open space provision (secured by Section 106 Agreement) being calculated on this basis in accordance with the Council's Open Space SPD.

4. Notwithstanding the details on the approved plans, a set of detailed shop front plans, elevations and sections (including, if applicable, security measures such as shutters) shall be submitted to and approved in writing by the Local Planning Authority before any alterations to the shop fronts commences, and the works shall be implemented in full accordance with the details thereby approved.

**Reason:** In the interests of visual amenity, to ensure that the development conserves the character, appearance and significance of the Huddersfield Town Centre Conservation Area, the listed building and the settings of nearby listed buildings, and to accord with the aims of Policies LP24 and LP35 of the

Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

5. Samples or details of all new external materials to be used, including render type, colour and texture (which shall be in the form of a sample panel) shall be submitted to or made available for inspection on site by, and approved in writing by, the Local Planning Authority, and the development shall be implemented in full accordance with the approved materials.

**Reason:** In the interests of visual amenity, to ensure that the development conserves the character, appearance and significance of the Huddersfield Town Centre Conservation Area, the listed building and the settings of nearby listed buildings, and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

6. No apartments within the new building hereby approved shall be occupied until the restoration of 61-63 New Street and the warehouse to the rear is substantially complete.

**Reason:** To ensure that the development contributes to the restoration and regeneration of the listed building and other buildings of heritage value that contribute to the character of the Huddersfield Town Centre Conservation Area, and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, and Chapter 16 of the National Planning Policy Framework.

7. Before any new dwelling is first brought into use, all works which form part of the sound attenuation scheme as specified in the Environmental Noise Survey, Noise Break-in Assessment and Sound Insulation Scheme authored by NOVA Acoustics dated 13/04/2023 Ref 7856SA v002 shall be completed, and written evidence to demonstrate that the specified noise levels 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 report 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 any new dwelling is first brought into use. All of the approved measures shall thereafter be retained.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Before any new dwelling is first 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 floors, walls and ceilings of the development is of a minimum of 55dB DnT,w + 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 any new dwelling is first brought into use, and the works thereafter retained as such.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise-generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This information is required pre-commencement to ensure that contamination risk is assessed before any groundworks commence.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 9, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This information is required pre-commencement to ensure that contamination risk is assessed before any groundworks commence.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This information is required pre-commencement to ensure that any necessary remedial measures are incorporated into the development at any appropriate stage.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected

area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

14. The commercial use hereby permitted shall not be open to customers outside the hours of 09:00 to 18:00 daily and there shall be no deliveries to or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.

**Reason:** To ensure that the proposed use(s) do(es) not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

15. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities. This shall include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, including measures to monitor and record the emissions of dust during construction.
- Artificial lighting used in connection with all construction related activities and security of the construction site.
- A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority.

The agreed plan shall be adhered to throughout the construction of the development.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and Policy LP52 of the Kirklees Local Plan.

16. Before food cooking commences within any of the commercial units, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours.
- Details showing the proposed location of all the major components of the extract system.
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before commercial food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

**Reason:** To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

17. Before food cooking commences within any of the commercial units, a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to commercial food cooking commences and shall be retained thereafter.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policy LP28 of the Kirklees Local Plan and the NPPF.

18. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These shall include planting plans, plant schedules noting species, plant sizes and proposed numbers/densities where appropriate, and an implementation, management and maintenance programme. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or plant shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be

carried out in accordance with the implementation programme agreed with the local planning authority.

**Reason:** To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

19. Before any new dwelling is brought into use, notwithstanding the details on the approved plans, a plan detailing the positioning, location and specification of four Swift nest and two bat boxes shall be submitted to and approved in writing to the local authority. The boxes shall be installed and retained as detailed in the approved plans before any new dwelling is brought into use and thereafter retained as such.

**Reason:** To provide an enhancement to biodiversity in line with Policy LP30 of the Kirklees Local Plan and the requirements of section 15 of the National Planning Policy Framework.

20. Before any new dwelling is brought into use, details of safe and secure storage and access for cycles should be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of any new dwelling and shall be so retained thereafter.

**Reason:** In the interests of promoting the use of means of transport with a low environmental impact, to promote active and healthy lifestyles, and to accord with the aims of Policies LP24(d and e) and LP47 of the Kirklees Local Plan.

21. Before any new dwelling is brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of measures to protect future residents from crime and the fear of crime. The approved measures shall be implemented before any new dwelling is first brought into use and thereafter retained.

**Reason:** In the interests of minimising the risk of crime for the development and its users, and to accord with the aims of LP24(e) of the Local Plan.

22. Before work commences on the proposed rooftop tower block extension to the building, details of solar panels or other on-site micro-generation to be incorporated into the development to reduce carbon emissions associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development before any part of the rooftop extension is brought into use and shall thereafter be retained as such.

**Reason:** To ensure that the proposed development contributes to the council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policies LP24 and LP26 of the Kirklees Local Plan.

### **Note – Contamination reports**

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance -

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

### **Note – Construction site working times**

It is recommended that noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00hours 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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

### **Note – kitchen extract system**

Detailed advice is available in “*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by EMAQ May 2022 which is an update of “*Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*” by DEFRA 2005.

### **Note – food safety**

It is recommended that prior to development commencing, the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at [food.safety@kirklees.gov.uk](mailto:food.safety@kirklees.gov.uk).

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			19/08/2021
Location plan	LOC		27/10/2021
Fire service access plan	(100)50		29/09/2021
Existing basement plan	INT-B-FP-M2-B-001-1 – Basement		20/10/2021

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing ground floor plan	INT-G-FP-M2-B-001-1 – Ground floor		20/10/2021
Existing first floor plan	INT-01-FP-M2-B-001-1 – First floor		20/10/2021
Existing second floor plan	INT-02-FP-M2-B-001-1 – Second floor		20/10/2021
Existing roof plan	EXT-RFP-M2-B-001 – Roof		20/10/2021
Proposed basement plan	(100)10	D	13/02/2023
Proposed ground floor plan	(100)11	D	16/05/2023
Proposed first floor plan	(100)12	B	16/05/2023
Proposed second floor plan	(100)13	C	16/05/2023
Proposed third floor plan	(100)14	C	16/05/2023
Proposed fourth floor plan	(100)15	D	16/05/2023
Proposed fifth floor plan	(100)16	A	18/05/2023
Proposed elevations 1	(100)20	F	13/08/2023
Proposed elevations 2	(100)21	E	19/06/2023
Planning Statement			27/10/2021
Vacant Building Credit schedule	(100)51	1	10/07/2023
Fire Statement	2655	A	08/12/2021
Visual impact assessment	2655		16/05/2023
Materials schedule	2655	A	16/05/2023
Historic photographs of Albert Yard and New Street			17/04/2023
Residential noise assessment	7856SA Nova Acoustics	2	14/04/2023
Drainage Strategy	21-002-GLM-00-XX-RP-C-9000		27/10/2021
Travel Plan	1974 Paragon Highways		27/10/2021
Transport Statement	1974 Paragon Highways		27/10/2021
Climate Change Statement			27/10/2021
Coal Mining Risk Assessment	RGS Ltd		07/09/2021

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Phase I Report	P3422 Avie Consulting		03/09/2021
Heritage Statement	The Urban Glow		23/08/2021
Structural Report	P3422		23/08/2021

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 engaged in extensive negotiation with the applicant to deliver a scheme reduced in scale which would conserve the character of Huddersfield Town Centre Conservation Area

**Report Dated:**

20/03/2025