KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2021/62/94232/W**
Site Address:	ground floor, 26-28, Queen Street, Huddersfield, HD1 2PU
Description:	Change of use from office to cafe (class E(b)) with internal alterations (Listed Building within a Conservation Area)
Recommending Officer:	Katie Chew

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 18th February 2022

Officer Report

Site Description

Ground Floor, 26-28 Queen Street, Huddersfield, HD1 2PU

Nos. 26 and 28 Queen Street form part of a row of terraces which are three-storeys in height, faced in ashlar stonework which has been painted white and exposed stone to the rear. The gabled roofs are finished with blue slate tiles. The front elevation of the terraces faces directly onto Queen Street while to the rear there is a parking area accessed from Back Queen Street.

The entire row is Grade II listed, each address individually so. The following are the listing descriptions from Historic England.

No. 26

QUEEN STREET 1. 5113 (East Side) No 26 SE 1416 SE 4/1114 II GV 2. Early C19. Painted ashlar. 3 storeys. Moulded eaves cornice and blocking course. 2 ranges of sashes. Door with 6 moulded panels in stone surround with Tuscan 3/4 columns and entablature. 3 steps with plain case iron railings. Area with plain cast iron railings.

No. 28

QUEEN STREET 1. 5113 (East Side) No 28 SE 1416 SE 4/1115 II GV 2. Early C19. Painted ashlar. 3 storeys. Moulded eaves cornice and blocking course. 2 ranges of sashes, ground floor window tripartite. Door with 6 moulded panels in stone surround with Tuscan 3/4 columns and entablature. 3 steps with plain cast iron railings.

The site is within the Huddersfield Town Centre Conservation Area, on the inside edge of Huddersfield Town Centre, close to the surrounding ring road which separates the site from the University of Huddersfield campus. Across the road, is the mostly blank rear of the 'Plaza' a terrace row of commercial units, behind a small-landscaped area.

Description of Proposal

The application seeks permission for change of use from office to café (Class E(b)) with internal alterations (Listed Building within a Conservation Area).

The proposed café seeks to serve cold foods and non-alcoholic beverages for consumption on the premises although it is expected that a small number of customers will take food to eat out of the premises. Hours of business proposed are outlined below:

Monday – Saturday 08:00am – 19:00pm
Sunday – 10am – 16:00pm

It is also proposed that there will be 2 full time and 4 part-time employees.

Internally, the proposals seek to demolish an internal wall to join together the front and rear rooms and to provide a suspended decorative ceiling within will leave the underlying coving untouched. These have been considered under a separate application for listed building consent. No external changes are proposed to the façade of the building.

History of negotiations/amendments received

Amendments were made to include the rear yard area within the blue landownership boundary on the submitted site location plan. This is so that appropriate conditions regarding waste storage and collection could be imposed.

Relevant Planning History

2021/93479 – Listed Building Consent for removal of stud partition, internal works, CCTV camera and signage. Approved 29th November 2021.

2021/94233 – Listed Building Consent for internal alterations (within a Conservation Area). Withdrawn 2nd December 2021.

2019/92371 – Change of use and alterations, including installation of rear dormer, to convert former office to 6 residential units (Listed Building within a Conservation Area). Approved 20th November 2020.

2019/92337 – Listed Building Consent for alterations, including installation of rear dormer, to convert former office to 6 residential units (Listed Building within a Conservation Area). Approved 20th November 2020.

2003/93330 – Listed Building Consent new entrance and internal alterations (within a Conservation Area). Approved 6th October 2003.

97/90135 – Listed Building Consent for demolition of existing timber construction W.C and installation of arched softwood framed window. Approved 14th April 1997.

96/92063 – Listed Building Consent for demolition, alterations and internal alterations in materials to match existing (within Conservation Area). Approved 7th March 1997.

91/03631 – Erection of illuminated signs (Listed Building). Refused 29th October 1991.

Representations

Final publicity date expires:

Neighbour Letters – Expired 6th January 2022.

Press Notice – Expired 14th January 2022.

Site Notice – Expired 7th January 2022.

No representations have been received to date.

Consultation Responses

KC Highways Development Management – No comments received within statutory timescales.

KC Environmental Health – Comments received 5th January 2021. No objections to the proposals subject to conditions.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is unallocated in the Kirklees Local Plan but is located within Huddersfield Town Centre, Huddersfield Town Centre Conservation Area and a Coal Referral Area. It is also important to note that the application site and adjacent buildings are Grade II Listed.

Officer note: Whilst it is acknowledged that the site is located within a Coal Referral Area, given that the proposals are for a simple change of use with no external alterations it is not considered necessary to require a Coal Mining Risk Assessment be submitted on this occasion.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP13 – Town Centre Uses**
- **LP16 – Food and Drink uses and the evening economy**
- **LP21 – Highways and access**
- **LP22 – Parking**

- **LP24 – Design**
- **LP35 – Historic Environment**
- **LP47 – Healthy, Safe and Active Lifestyles**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and improvement of environmental quality**

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Protecting 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, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

1) Principle of development
2) Impact of the proposed development upon the visual amenity of the area
3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
4) Impact on highway safety
5) Other matters
6) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

The site is located within the Huddersfield Town Centre. Within the NPPF, it will be assessed having regard to the advice in Chapter 7 concerning the vitality and viability of town centres. Also of relevance is the advice in Chapter 8 “Promoting healthy and safe communities” that planning decisions should ensure that crime and disorder, or the fear of crime, do not underestimate

quality of life or community cohesion and Chapter 15 “Conserving and enhancing the natural environment” which states that any possible pollution impacts must be considered at the planning stage.

Turning to the Local Plan, among the most relevant policies are Policy LP13 which states, in brief, that main town centre uses shall be located within defined centres, which should provide a mix of uses whilst retaining a strong retail core, and Policy LP16, which states that proposals of this nature (food and drink and the evening economy) should be supported, subject to ensuring that the concentration of food and drink and licensed entertainment uses should not be in any one part of a centre, where this would result in harm to the character, function, vitality and viability of the centre, and subject to other criteria such as noise, fumes, and potential anti-social behaviour.

LP47 states that healthy, safe and active lifestyles will be enabled by “working with partners to manage the location of hot food takeaways particularly in areas of poor health”. This aim is also supported by Planning Practice Guidance – health and wellbeing. This contains the following specific advice:

1. Planning can influence the built environment to improve health and reduce obesity and excess weight in local communities.
2. Local planning authorities can consider bringing forward, where supported by evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required.
3. Local planning authorities and planning applicants could have particular regard to the following issues:

a. Proximity to locations where children and young people congregate such as schools, community centres and playgrounds
b. Evidence indicating high levels of obesity, deprivation and general poor health in specific locations
c. Over-concentration and clustering of certain use classes within a specified area

LP52 (protection and improvement of environmental quality) is also of relevance, especially regarding potential noise and odours from the proposed business.

The change of use proposed to café constitutes a main town centre use. Huddersfield Town Centre contains a mix of uses, in which most of the typical main town centre uses are well represented. Centres shall provide a mix of uses to serve the local community, businesses and visitors to the district. The uses shall complement each other whilst retaining a strong retail core. Town centres in Kirklees shall aim to provide a range of uses to support the daytime and evening economy. The proposed development from offices to café would complement the function of the centre in accordance with LP13 and LP16, in addition, given that the building itself is currently vacant, the utilisation of the building for an active business that upholds and active and maintained frontage will increase the extent of activity in the town centre as well as

improving its attractiveness as a destination for consumers. In turn, contributing positively to improving the vitality and viability of Huddersfield's Town Centre.

It is also noted that as the proposed use is for a café selling cold food and non-alcoholic beverages only, Public Health were not consulted on the proposals in this instance as it does not relate to the provision of a hot food takeaway and therefore there are no concerns in respect to public health.

In conclusion, whilst the concentration of restaurants/takeaways in any commercial centre must be monitored and managed, it is considered that at this point in time the concentration of such uses in Huddersfield Town Centre has not reached a level at which harm would occur through the addition of one further unit, especially given that there are just three restaurants/cafes/bars located along Queen Street. Therefore, it is considered that the proposal would not detract from the vitality or viability of the centre or its attractiveness as a destination for shoppers, rather it is suggested to have the potential to instead enhance the centre through the opening up of different sectors along Queen Street in turn, potentially enticing people to this part of the centre for this reason. It must also be recognised that the previous use and the proposed use now both fall within Class E of the Use Classes Order. This means that, in theory, the change of use proposed is not classed as development for the purposes of planning legislation.

Therefore, the proposal is acceptable in principle subject to an assessment of amenity and other issues identified below, it would accord with the aims of LP13 and 16(a) and with Chapter 7 of the National Planning Policy Framework.

2 - Impact on Visual Amenity and Heritage Considerations:

Under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must have, in considering the impact of a development on Listed Buildings and Conservation Areas, special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses together with preserving or enhancing the character or appearance of conservation areas.

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. If harm would result this should not be allowed without a proportionate justification. This approach is affirmed by Policy LP35 of the Kirklees Local Plan, and also LP24 (a) which says that the form, scale, layout and details of development must respect the character of heritage assets.

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

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

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

The proposals would create an active shop front upon the currently vacant unit which would in fact enhance the building and its appearance by helping to ensure the building is kept in use, which in turn, contributes to its long-term conservation. As the building may have been vacant for some time, and other vacancies are evident throughout the Huddersfield Town Centre, weight can be placed on this factor.

Externally no changes are proposed with the elevations of the host building with the majority of changes taking place internally to provide an amended layout for the proposed use. However, it is noted that within the submitted Design, Access & Heritage Statement there is brief mention of the rear yard area to be resurfaced with tarmacadam or paving. As this section of the proposals does not fall within the submitted red line boundary and no further details have been provided in respect to materials etc. this element of the proposals has not been assessed within this officer's report.

The Council's Conservation and Design officers raised no objections to the proposals stating that the building has been vacant for several years and therefore a proposal which brings it back into use is supported. The internal works do not fall to be considered under the planning application but demolition of internal stud walls is deemed to be acceptable as it does not impact on the historic fabric of the building. Suspended ceilings are proposed to replace previous suspended ceilings, these are fixed below the decorative coverings and are fully reversible so that the covings can be retained without damage. An allied application for listed building consent has been approved, ref 2021/93479. The C&D officer concludes that the internal alterations are minimal and do not cause harm to the historic fabric and therefore are justified and the character and appearance of the Listed Building would be maintained.

The proposed development is therefore considered to comply with the aims of Policies LP24(a) and LP35, and Chapter 16 of the NPPF.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

"maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers'.

Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Impact on nos. 24 & 30 Queen Street

These neighbouring properties adjoin the application site to the north and south. Given that no changes are proposed to the building externally there are no concerns in respect to overlooking, overshadowing, or the proposals appearing overbearing in nature. However, it is noted that these types of use may create some additional noise and odour and therefore the Council's Environmental Health Officers were consulted. Their comments are provided below.

Generally, in an application of this nature Environmental Health would request that an extraction system be installed to control odours created at the proposed development. They have not sought to condition this in this instance based on the information provided in the Design, Access & Heritage statement. This statement outlines that only cold food is to be prepared on site and therefore no extraction system is deemed to be required. However, ENVH do note that should the applicant intend for hot food to be cooked on site then an extract ventilation system would be required, and permission would need to be sought from the Council. This would also require listed building consent.

In respect to noise, no information has been provided regarding the use of the rest of the building. Whilst the proposed development will generate some noise and may provide background ambient music, to futureproof the development ENVH officers advise the applicant to consider the sources of noise from the development and how they may affect neighbours sharing party walls/ceilings, incorporating insulation measures where appropriate. This is included as an advisory note in the recommendation below.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapters 12 and 15 of the National Planning Policy Framework.

4 - Impact on Highway Safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. In addition, paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be

an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site is located within the Town Centre of Huddersfield which has good access to bus and train connections and is considered to be a sustainable location whereby the café may well be used in junction with linked trips to the town centre. In addition, there are a number of car parks within the town centre which are just a short walk away.

With regards to bin storage and presentation, the building has established bin collection areas/arrangements in place to the rear of the property within the yard area. This area is to remain as is following the change of use and both Highways and Environmental Health officers have been consulted on the proposals and raise no concerns in respect to their location.

In light of the above the operation of a café within the host premises will not result in any detriment to highway safety from a parking perspective. Therefore, for these reasons the proposals are considered to accord with the aims of Policy LP21, LP22 and LP16 (d-f) of the Kirklees Local Plan.

5 - Other Matters:

Climate Change

Climate Change On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. It is noted however, that the proposal represents a change of use of an existing building in a sustainable location. It is therefore considered that the development is compatible with the Council's target of promoting carbon reduction.

Crime and Disorder

As the proposed change of use is for a daytime café and would not incorporate a night-time takeaway use, the Council's Crime and Disorder team were not consulted on the application. A condition restricting the hours of operation has been included which in turn helps to mitigate against any

concerns over night-time activity. The proposal is considered to comply with the aims of Chapter 8 of the NPPF, LP16 and Section 17 of the Crime and Disorder Act.

6 - 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, subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/94232

Officer Recommendation: Approve.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of residential amenity and the vitality and viability of Huddersfield Town Centre and to accord with Policies LP1, LP2, LP13, LP16, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan and Chapters 2, 7, 12, 14 and 16 of the NPPF.

3. The use hereby permitted shall not be open to customers outside the hours of

- 08:00 to 19:00 Monday to Saturday, and

- 10:00 to 16:00 Sunday and Bank Holidays,
  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) does 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.

NOTE: 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.

NOTE: Should the applicant intend for hot food to be cooked on site then an extract ventilation system would be required, planning permission and Listed Building Consent would need to be sought from the Council for this type of alteration.

NOTE: No information has been provided regarding the use of the rest of the building. It is anticipated that the proposed development will create some noise and may provide background ambient music. To future proof the development we would advise the applicant to consider the sources of noise from the development and how they may affect neighbours sharing party walls/ceilings, incorporating insulation measures where appropriate. Such works may also require listed building consent.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	17th February 2022
Proposed Floor Plans	-	-	9th November 2021
Second Floor Plan as Existing	-	-	9th November 2021
Existing Three Storey Rear Elevation	-	-	9th November 2021
Design, Access & Heritage Statement – Supporting Information	-	-	23rd November 2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a

preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were made to include the rear yard area within the blue landownership boundary on the submitted site location plan.

Report Dated:

18/02/2022