

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:	2021/62/93374/W
Site Address:	14 - 18, King Street, Huddersfield, HD1 2QE
Description:	Change of use of first and second floor, erection of extension to form 3rd floor and external alterations to form 9no. apartments (Within a Conservation Area)
Recommending Officer:	Stuart Howden

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: 5th April 2022

Officer Report

Site Description

14-18 King Street, Huddersfield, HD1 2QE

The site comprises a 3 storey red brick building (with rear elevation in render) under a flat roof on the corner of King Street and Victoria Lane within Huddersfield Town Centre. King Street and Victoria Lane are both pedestrianised streets. The building accommodates two retail units, with shop frontages along both King Street and Victoria Lane, but the customer entrance for both stores are on King Street. The King Street frontage is outlined as a Primary Shopping Frontage in the Kirklees Local Plan and the site is within the designated 'Primary Shop Area'. The first and second floors of the building provide space ancillary to the retail units.

The site and surrounding land slopes gently downwards from west to east. The site is within a predominantly commercial area being located along one of the main shopping streets in Huddersfield Town Centre. To the west of the site, and attached to the building, is a building with a higher roofline accommodating a retail use, and this is constructed from stone and is under a flat roof. To the south/rear of the building appears to be a service area associated with the aforementioned retail unit, although the bin store for the site appears to be currently accessed via this service yard. To the east of the site, across Victoria Lane is the modernist Piazza Shopping Centre which is two storeys in height.

The site is within Huddersfield Town Centre Conservation Area and the site is within close proximity to a number of Grade II listed buildings, including 13 to 17a King Street, 1 to 7 King Street, 4 King Street and 14 Victoria Lane. The site is within a development high risk coal mining area.

Description of Proposal

Planning permission is sought for the change of use of the first and second floors, the erection of an extension to form a 3rd floor and external alterations to form 9 no. apartments.

An upward extension is proposed to provide a 3rd floor. The walls of the extension are proposed to be faced in render and cladded panels, with an aluminium overhang. This extension would have flat roof and the walls of this extension facing King Street and Victoria Lane would be set back from the walls of the existing walls of the building. The setting back of the wall of the extension would allow for an external terraced area. The walls of the rear elevation of the extension would be flush with the existing rear walls of the building. Along the Victoria Lane elevation, to the rear of the building, it is proposed to use the Devonshire Chambers entrance as the access to the

residential units with an extension above this entrance so as to accommodate the stairway (with a glazed elevation facing Victoria Lane).

The existing facing brick walls facing King Street and Victoria Lane are proposed to be rendered in white. It is also proposed to enlarge the windows at first and second floor level on the King Street and Victoria Lane elevations, and new windows are also proposed to be added at these levels. Infill cladded panels are proposed between a number of windows at first to third floor level on the King Street and Victoria Lane elevations. The Victoria Lane/King Street corner of the building would see the removal of the existing cassette windows, and the replacement with a corner feature window within aluminium box surround.

The proposal would result in 3 apartments per floor, with 2 no. one bedroom apartments and 1 no. two bedroom apartments per floor (above ground floor level). All apartments would benefit from some form of terrace area.

At ground floor level, the two existing retail units would be retained, and it is noted that the basement areas for the building will be used for storage and staff welfare facilities. Most of the shop frontage is to be retained, but a window facing Victoria Lane is proposed to be removed and replaced with doors accessing a new bin store serving the proposed residential properties (which would take up a minimal amount of the shopfloor of the retail unit).

The bin storage area for the retail units to the rear of the building would continue to be used, but it is proposed to expand this slightly by removing a redundant lift pit in on of the stores.

Solar panels are displayed on the roof of the proposed extension, but details of the panels are limited.

History of negotiations/amendments received

Officers requested visuals to better understand the finished appearance of the proposal and this was provided by the applicant's agent and Officers are content with the finished design. Officers also requested a noise assessment, and following this request a noise impact assessment was provided and Officers are content with this additional information.

Relevant Planning History

90/02712 – Installation of new shop front and shop fittings – Approved on 15th June 1990.

90/02713 – Erection of illuminated signs – Consent granted on 27th April 1990.

97/91029 – Installation of new shop front – Approved on 21st July 1997.

97/91030 – Erection of illuminated fascia and projecting signs – Consent granted on 21st July 1997.

2000/91476 – Erection of illuminated fascia and projecting sign – Consent granted on 6th July 2000.

2004/95347 – Installation of new shop front – Approved on 17th January 2005.

2004/95348 – Erection of internally illuminated fascia and projecting signs – Consent granted on 19th January 2005.

2010/92529 – Erection of 3 no. non illuminated fascia signs and 3 no. non illuminated signs – Consent granted on 22nd October 2021.

2012/90786 – Installation of new shop entrance – Approved on 10th May 2012.

2012/91012 – Erection of illuminated signs – Consent granted on 4th July 2012.

2012/91013 – Installation of replacement shop front and internal refurbishment – Approved on 4th July 2012.

Representations

Final publicity date Expires:

Neighbour letters expired on 12th October 2021; Site Notice expired on 7th October 2021; Press advert expired on 15th October 2021

1 representation has been received from Huddersfield Civic Society as a result of the above publicity, which supports the application. The full comments are available to view on the Council's Planning Webpage, but a summary of the comments is outlined below:

- Improves the external appearance of the building.
- Room sizes and configurations are reasonable.
- third floor and integration of solar power supported.
- Consideration needs to be given to waste disposal and integration of waste facilities within the street scene.

Whilst a noise assessment and visuals have been submitted following the application being put out for publicity, it was not considered necessary to reconsult following the receipt of these documents given that these do not alter the design of the scheme.

Consultation Responses

The Coal Authority: Falls within exemptions list – no objections.

KC Conservation and Design: No objections subject to conditions.

KC Crime Prevention: No objections in principles

KC Environmental Health: Request an odour impact assessment prior to determination.

KC Highways Development Management: No objections subject to a condition.

KC Lead Local Flood Authority: No comments.

KC Waste: No objections in principle.

Policy

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

The site is unallocated on the Kirklees Local Plan Proposals Map, but is within Huddersfield Primary Shopping Area within Huddersfield Town Centre, and forms part of a Primary Shopping Frontage. The site is also within Huddersfield Town Centre Conservation Area and within close proximity to a number of Grade II listed buildings.

Kirklees Local Plan (LP):

- **LP 1** – Achieving 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 Uses in Town Centres
- **LP 17** – Huddersfield Town Centre
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 25** – Advertisements and Shop Fronts
- **LP 27** – Flood Risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 35** – Historic Environment
- **LP 43** – Waste Management Hierarchy
- **LP 47** – Healthy, Active and Safe Lifestyles

- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 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.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 7** – Ensuring the Vitality of Town Centres
- **Chapter 8** – Promoting Healthy and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).
- The Huddersfield Blueprint (2019)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including impact upon Historic Environment)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of

sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Chapter 7 of the NPPF relates to ensuring the vitality of town centres and states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. Paragraph 86 states that it should be recognised that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

Policy LP13 of the Kirklees Local Plan relates to town centre uses and sets out that within Kirklees, main town centre uses shall be located within defined centres. These consist of principal town centres, town centres, district centres and local centres. This Policy outlines that proposals that have a significant adverse impact on the vitality and viability of a centre, or compromise the role and function of a centre will not be supported. This Policy goes on to note that main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported.

Policy LP17 of the Kirklees Local Plan states that Huddersfield Town Centre will be the principal focus for high quality comparison retail goods within the district, supported by a range of leisure, tourism, office (including high quality grade A office space), and other main town centres uses. Huddersfield town

centre will also provide high quality educational facilities and opportunities for town centre living.

Policy LP14 of the Kirklees Local Plan relates to shopping frontages, and No.14-18 has a Primary Shopping Frontage along Kings Street, and the site is within a Primary Shopping Area. Policy LP14 states that the Primary Shopping Area is the retail core for each town centre and uses within such areas will be 'expected to maintain or provide active ground floor uses' and that retail uses within such area will be supported. In relation to Primary Shopping Frontages, Policy LP14 states that these are frontages that contain predominantly retail uses and where further retail uses will be focussed. Policy LP14 goes on to note that within Primary Shopping Frontages, proposals should seek to continue retail uses in order to retain vitality and viability within the Centre and the strong retail core, and that retail will remain the predominant use of each primary shopping frontage.

Policy LP15 of the Kirklees Local Plan relates to residential uses within town centres and sets out that such uses will be supported subject to:

- a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;
- a. the protection of the character of the centre, and the local street scene. Proposals should retain and enhance the design and heritage features of buildings;
- b. the protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area,
- c. the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality;
- d. the provision of space for the storage of sustainable modes of transport such as bicycles, where appropriate charging points of electric vehicles, and access to public transport;
- e. the provision of space for vehicular parking which is appropriate to the scale of the proposal, particularly where it would otherwise cause highway and pedestrian safety concerns;
- f. provision of affordable housing in accordance with policies set out in the Local Plan; and
- g. the provision of refuse storage and collection.

The residential units are proposed on the upper floors of the building and the retail units at ground floor level are to be retained. The shopping frontage along the Primary Shopping Frontage of Kings Street is to remain unaltered. The proposal would not materially impact upon the overall floor space for both retail units at ground floor level. Whilst a bin storage area would result in the loss of a ground window along the Victoria Lane elevation, there would still be two shop windows facing this street maintaining the majority of the active

frontage, and this street itself is not designated as a primary or secondary shopping frontage in the Local Plan. Given the above, it is considered that the proposal would not detrimentally impact upon the vitality and viability of Huddersfield Town Centre, or its role and function. The proposal is therefore considered to be in accordance with Policies LP13, LP14, LP15 a and c and LP17 of the Kirklees Local Plan and Chapter 7 of the NPPF.

Thus, the principle of the proposed change of use could be acceptable, but the principle of the change of use will be subject to other considerations which shall be discussed below, including points b and d-h of Policy LP15 of the Kirklees Local Plan.

2 – Impact on visual amenity (including impact upon historic environment):

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

In addition, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

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

Policy LP25 of the Kirklees Local Plan states that: *“Proposals for the alteration of existing shop fronts or installation of new shop fronts and display of advertisements on a Listed Building or within a Conservation Area should preserve or enhance the character and appearance of the building, the area in which it is located and any features of architectural or historical interest. Existing traditional shop fronts shall be retained and restored unless exceptional circumstances apply. Proposals for new shop fronts and advertisements must be of a high standard of design and be appropriate in style, scale and materials to the building and its setting.”*

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

14-18 King Street is a 20th Century building within the Huddersfield Town Centre Conservation Area, located on the south side of King Street, opposite the Grade II listed 13 to 17a King Street and 1 to 7 King Street, which are all three storey terraced retail premises in natural stone dating from the mid-18th Century to mid-19th Century. Also opposite the building is 9-11 King Street, an early 20th Century three-storey building in the Art Deco style which is considered to contribute positively to the significance of the conservation

area. In addition to these historic buildings are several late 20th Century buildings in varying designs and ranging from the former M&S building next door to the east constructed in natural stone and render to the Piazza Centre, an extensive two storey structure with glazed retail units on the ground floor and decorative panels on the first floor, as well as the Packhorse Centre with its glazing and decorative dark cladding.

The existing building itself is in red brick with small narrow first floor windows and a large top floor feature window on the corner of King Street and Victoria Lane, along with areas of white cladding boards and a surviving historic carved stone entrance doorway to Devonshire Chambers on the east elevation (facing Victoria Lane). Officers and KC Conservation consider that this building, other than the historic entrance, makes a negative contribution to the significance of the conservation area as it is out of keeping with the local vernacular, with the large expanses of red brickwork and white cladding.

Although the top floor extension will increase the height of the building by one storey, the roof top extension is lightweight in design with extensive glazing and is set back from the elevations, sitting below the height of the adjacent building uphill to the west (former M&S building). Officers and KC Conservation consider that it will sit comfortably within this setting without dominating the street scene.

Officers and KC Conservation consider that the design and materials of the prominent elevations facing Victoria Lane and King Street create more interest than before and better break up the elevations, with the vertical rhythm reflecting the style and architectural details of buildings on this street. The external terraces and glazing with the use of the aluminium box surround on the prominent corner of the building would create a visual point of interest, and the retention of the surviving Devonshire Chambers entrance, retains the historic interest of the site.

KC Conservation and Officers consider that this proposal would make a positive contribution to the significance of the conservation area and significance of the nearby listed buildings by creating lively and interesting elevations on this prominent corner building, whilst retaining the surviving historic detail on Victoria Lane. It is considered that the scale of the proposal sits comfortably in this setting, with the design and materials respecting the character of the townscape on King Street. However, it is considered that further details of the external materials are conditioned so as to ensure a high-quality finish.

It is proposed to treat and clean the Devonshire Chambers entrance and sandblasting is mentioned as a method to do this. KC Conservation note that as element is constructed in ashlar stone with fine detailing, it should not be sandblasted. As a consequence, details of the treatment of this element can be recommended as a condition should permission be granted.

Thus, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality or harm to the significance of the

conservation area and nearby listed buildings, subject to conditions. The proposal is therefore considered to be in accordance Policies LP15(b), LP24(a), LP25 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 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 users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

Paragraph 185 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. Paragraph 187 of the NPPF states that planning decisions should: *“ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The proposal would increase the height of the building by another storey and would involve new openings. However, the proposal would not be adjacent to any other residential uses, and it is considered that the proposal would not

result in an undue loss of privacy, loss of outlook or loss of privacy or overlooking for any existing neighbouring properties

The residential units proposed would exceed the minimum recommendations as set out within the Nationally Described Space Standards for such dwellings. Whilst no gardens are proposed, each apartment would benefit from an external terrace area which is considered acceptable when taking into account the town centre location of the site.

The proposal would result in noise sensitive receptors within the predominantly commercial area of Huddersfield Town Centre. As a consequence, a Noise Report was requested by the Council's Environmental Protection Officer prior to the determination of the application. Such a document was requested by Officers, and this has subsequently been submitted.

KC Environmental Health note that the submitted Noise Report is site specific and it identifies the potential noise sources that could affect the amenity of future occupiers, and supplies details of the assessments conducted at two locations representing the future residential properties. The Noise Report outlines that specialist glazing will have to be provided and that windows would have to remain closed to prevent loss of amenity due to noise. KC Environmental Health note that they agree with the information provided in the Noise Report in regard to glazing mitigation.

In relation to ventilation and thermal comfort, the Noise Assessment notes that if the only means of ventilation to the occupiers was provided by opening windows the noise levels internally are predicted to be above what is recommended. KC Environmental Health note that from the information provided it is difficult to assess if the number of non-purge vents suggested in Appendix E of the Noise Report would be sufficient to replace the ventilation which would normally be provided by opening windows. KC Environmental Health have therefore requested further information to demonstrate the details of the ventilation scheme and how it will protect the amenity of future occupants from thermal discomfort. This can be conditioned should permission be granted.

Section 6 (Noise Breakthrough Assessment) of the Noise Report recommends examples of floor and wall construction to achieve necessary sound attenuation. The Council has also received further information by Email from the agent, dated 17th February 2022 confirming that the construction shown in the report is predicted to achieve 55 dB DnT,w + Ctr. KC Environmental Health note that a condition to provide evidence of the noise insulation levels achieved within the residential units sharing party walls/ceiling/floors with commercial properties is required in order to protect the amenity of future occupiers of the development.

KC Environmental Health have noted that because of the siting of the development in a busy town centre with commercial businesses directly below and adjacent, there are numerous sources of odours that may impact upon

the amenity of new receptors of the proposed development. KC Environmental Health have therefore requested an odour impact assessment as a condition. Whilst the formal response by KC Environmental Health notes that this should be provided prior to determination of the application, following a discussion with KC Environmental Health, Environmental Health have clarified that they are content for this to be a condition. Whilst the site does not directly adjoin cafes, restaurants or takeaways, there are a number cafes and restaurants within close proximity of the site along therefore an odour impact assessment is considered necessary as a condition should permission be granted.

Given the above, subject to conditions, it is considered that the proposal would not result in undue harm to the amenities of the proposed occupiers of the development in terms of noise.

Subject to conditions, the proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policies LP15(d), LP24(b) and LP52 and Chapters 12 and 15 of the National Planning Policy Framework.

4 – Impact on highway safety:

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

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

Whilst there is no parking provision provided for the proposed residential units, Officers and KC Highways Development Management (HDM) consider this is acceptable in this instance as these 9 apartments (consisting of 6 no. one bedroom apartments and 3 no. two bedroom apartments) would be sited within a sustainable town centre location, with good access to services, facilities and public transport.

Of note KC HDM have raised no objections in principle to the development.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP15(e and f), LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Ecology

The site comprises a flat roof building constructed from brick within Huddersfield Town Centre, and the site is not within a bat alert zone and the proposal is for an extension above this, therefore it is considered that the proposal is unlikely to harm protected species.

However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, and that there are records of swifts in the locality, the provision of swift boxes on the extended building are to be recommended as a condition should permission be granted.

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.

The proposed development would be a car free development given its siting in a sustainable town centre location. Further to this, solar panels are displayed on the roof of the proposed extension on the roof plan, but details of the panels are limited, and full details can be conditioned to ensure they do not cause harm to the significance of the conservation area and nearby listed buildings, nor detrimental harm to the visual amenities of the locality. The condition will request that these panels are provided prior to the first occupation of the dwellings to aid in the contribution to climate change.

Air Quality

KC Environmental Health has stated that the applicant is proposing to introduce new receptors into a location within an Air Quality Management Area. KC Environmental Health note that a development of this kind would normally require an accompanying Air Quality Impact Assessment however it is adjacent a pedestrianised street with reduced vehicular access. As a result, KC Environmental Health note that they would not expect such an assessment because it is unlikely to pose a risk to human health.

Coal Mining

The site is within a Development High Risk Coal Mining Area. The Coal Authority were consulted, but given the nature of the development, they noted that a Coal Mining Risk Assessment was not required and that they did not need to be consulted.

Waste Management

The applicant's agent stated that the secure bin store is to be 3.2 metres by 1.2 metres, suitable for two 1100 litre bins (one waste and one recycling). The agent notes that this was agreed with the Council's Waste Management Officer. The agent also outlined they were hoping for the bins of the residential element to be emptied by the Council and note they are aware of other bins being collected by the Council near to the site.

KC Waste Management has noted that to meet the operational requirements of the Authority, certain issues need to be addressed so as to create an environment that functions safely and efficiently for waste management, and to reduce the negative impacts of bin blight on the locality

KC Waste Management state that the storage of wheelie-bins on the pavement or roadway in Victoria Lane would not be acceptable so the provision of an internal storeroom with double doors opening onto Victoria Lane is welcomed. They go onto to note that the doors should be secured with a keypad to enable access by residents and collection staff. Further, they state there should not be a step between the floor level of the store and pavement level.

KC Waste Management state that the submitted plans show a bin storage area to accommodate 1 x 1100ltr general bin and 1 x 1100ltr recycling bin. They go onto note that for 9 apartments, the recommended waste storage provision is 1620Ltrs (9X180 Litres) for both residual and recycling bins. Thus, on this basis the development should have storage for 4 wheelie-bins X1100Ltrs with space within the store to align the bins to enable access by residents to deposit waste and for the efficient manoeuvring by collection staff. KC Waste note that if additional storage cannot be accommodated on site, then there may need to be a review of the configuration of residual and recycling provision or the management company for the development could consider more frequent collections (e.g. weekly residual) on an additional paid for basis. KC Waste Management note that KC Trade waste staff can arrange to meet on site and discuss potential solutions. They go on to note that the site drawing shows the current access from the stair well to the proposed internal bin store would be been blocked up, which means that residents will have to exit the building and open the external doors to get at the bin store with consequent exposure to inclement weather, the need for additional light outside daylight hours and potential access to the store from pedestrians. They state if a door compliant with fire safety standards was installed between the stairwell and store this would be potentially easier for residents.

KC Waste Management note that the bin storeroom is internal to the building and therefore presents a fire risk to residents. The storage room must therefore comply with fire regulations (refer to BS 5906:2005 Waste Management in Buildings; BS476-22:1987: Fire tests on building materials and structures; and BS EN 1634-1:2008: Fire resistance and smoke control tests for door, shutter and open-able window assemblies and elements of building hardware) for internal compounds. Whilst not a material planning consideration, this requires consideration by the applicant.

In terms of refuse collection vehicular access, KC Waste Management note that suitable site access and manoeuvrability space for a Refuse Collection Vehicle is vital to the Council's ability to discharge its obligation to collect waste from domestic properties. They go on to state that this obligation will exist in perpetuity on any residential development and as such will be a critical consideration.

KC Waste Management note that the Authority defers to Highways colleagues for technical analysis of the road layout and swept paths in respect of RCV access, but note that commercial properties on Kings Street and Victoria Lane currently serviced by KC Trade waste so collection from the development is viable with the present RCV fleet.

Given the above, it is considered necessary to request further details in relation to bin storage and collection. Given the above comments, a larger internal bin storage area at ground floor level for residential properties maybe required. Thus, subject to such a condition, it is considered that the proposal is in accordance with Policy LP15(h) of the Kirklees Local Plan.

Affordable Housing

Policy LP15(g) sets out that in relation to proposals for residential development in town centres, regard should be had to the provision of affordable housing in accordance with policies set out in the Local Plan. Policy LP11 of the Kirklees Local Plan sets out that affordable housing will be sought of housing developments of more than 10 homes, therefore affordable housing would not be sought in this instance.

6 – Representations:

1 representation has been received from Huddersfield Civic Society as a result of the above publicity, which supports the application who outline support for the proposal. The comments raised are discussed in the above assessment.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2021/93374

Officer Recommendation: Approve

Conditions:

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 LP7, LP11, LP13, LP14, LP15, LP17, LP20, LP21, LP22, LP24, LP25, LP28, LP30, LP35, LP43, LP47, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 5, 7, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to the commencement of development, details of all the external facing materials of the extension to the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the extension shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of visual amenity, to preserve the significance of the Huddersfield Town Centre Conservation Area and nearby listed buildings, and to comply with Policies LP15, LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the materials to be used are acceptable before development commences.

4. Prior to any treatment or cleaning of the Devonshire Chamber entrance facing Victoria Lane, and notwithstanding any of the details of the of treatment of this within the application, full details of the treatment and cleaning methods of the Devonshire Chamber entrance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the treatment and cleaning of the Devonshire Chamber entrance shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of visual amenity, to preserve the significance of the Huddersfield Town Centre Conservation Area and nearby listed buildings, and to comply with Policies LP15, LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

The treatment and cleaning methods of the stone Devonshire Chambers entrance: This is constructed in ashlar stone with fine detailing and should **not** be sandblasted.

5. Prior to the first occupation of any of the dwellings hereby approved, full details of a scheme for two swift boxes, including location and specification details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings hereby approved, the swift boxes shall be installed on the site in accordance with the approved details, and shall be retained as such thereafter.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Prior to the first occupation of any of the dwellings hereby approved, all works which form part of the sound attenuation scheme as specified in the Noise Report by NOVA Acoustics (ref: 7084JG Version 001) dated 17/01/2021 produced by Nova Acoustics:

- a) shall be completed; and
- a) written evidence to demonstrate that the specified noise levels (55 dB DnT,w + CTR) 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 the development is first brought into use.

Reason: In the interests of the protection of amenity of the occupiers of the approved properties from noise from neighbouring commercial uses and to accord with the requirements of Policies LP15, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to the first occupation of any of the dwellings hereby approved, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information:

- Identify which rooms of which apartment number referenced back to the approved Noise Assessment require a ventilation system
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded.
- The ventilation Scheme must demonstrate how habitable rooms of these apartments shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather

without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.

All works which form part of the approved scheme shall be completed prior to occupation of any of the dwellings hereby approved and retained thereafter.

Reason: In the interests of amenity of the occupiers of the approved properties and to accord with the requirements of Policies LP15, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Prior to the first occupation of any of the dwellings hereby approved, an Odour Impact Assessment Report shall be submitted in writing to the Local Planning Authority. The report shall:-

- detail all the potential sources of odour in the vicinity of the application premises.
- determine the potential of adverse impact on the proposed development from these potential sources of odour.
- detail the necessary odour mitigation measures that are required to ensure the future occupiers of the development are not adversely affected by sources of odour in the vicinity.

Should mitigation measures be required, the recommended mitigation measures within the approved report shall be implemented prior to the first occupation of any of the dwellings hereby approve, and thereafter retained as such.

Reason: In the interests of the protection of the amenity of the occupiers of the approved properties from odour pollution and to accord with the requirements of Policies LP15, LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF.

9. Prior to the commencement of development hereby approved, and notwithstanding the details of the bin storage area displayed on Drawing No. (100)04, details of the storage and access for collection of wastes from the approved development shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the management and maintenance of communal refuse storage areas. The approved details shall be provided before first occupation of any of the dwellings hereby approved and shall be so retained thereafter.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety, and to accord with Policies LP15(h), LP21, LP24, LP43 and LP52 of the Kirklees Local Plan and Chapters 9, 12 and 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure sufficient space is provided for bin storage before any development takes place.

10. Prior to the first occupation of any of the dwellings hereby approved, full details of the solar panels to be installed on the roof of the development, including siting, dimensions, appearance and projection, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings hereby approved, the solar panels shall be installed in accordance with the approved details, and shall be retained as such thereafter.

Reason: In the interests of visual amenity, to preserve the significance of the Huddersfield Town Centre Conservation Area and nearby listed buildings, to promote low carbon energy and to comply with Policies LP15, LP24, LP35 and LP51 of the Kirklees Local Plan and Chapters 12, 14 and 16 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	24 th August 2021
Location Plan	2719_ LOC	-	24 th August 2021
Existing Floor Plans and Roof Plan	(100)01	-	24 th August 2021
Existing North and East Elevations	(100)02	-	24 th August 2021
Existing South Elevation	(100)03	-	24 th August 2021
Proposed Floor Plans and Roof Plan	(100)04	-	24 th August 2021
Proposed North and East Elevations	(100)05	-	24 th August 2021
Proposed South Elevation	(100)06	-	24 th August 2021
Planning Statement by Acumen Designers & Architects dated August 2021	2659	-	31 st August 2021
Planning, Heritage Statement by Acumen Designers & Architects	2719	-	31 st August 2021
Proposed Contextual Elevations	(100)07	-	31 st August 2021
Visuals x 2	-	-	1 st December 2021
Noise Assessment by Nova Acoustics dated 17/01/2022	7084JG	001	24 th January 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers requested visuals to better understand the finished appearance of the proposal and this was provided by the applicant's agent and Officers are content with the finished design. Officers also requested a noise assessment, and following this request a noise impact assessment was provided and Officers are content with this additional information. The applicant's agent has agreed to the pre-commencement conditions attached.

Report Dated: 05.04.2022

