

**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:	2022/62/93932/W
Site Address:	Crown House, 12, Southgate, Huddersfield, HD1 1DE
Description:	Change of use of Crown House to provide student-only living accommodation (sui generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at ground floor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop the building
Recommending Officer:	Nick Hirst

DECISION – Section 106 full 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: 17/08/2023

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 11/05/2023

Application Number: 2022/62/93932/W

Officer Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

a) Open space off-site contribution: £283,173.00 towards enhancement to local Public Open Space.

b) Metro enhancements: £20,000 towards bus stop improvements

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Committee Decision: Approve officer recommendation.

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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

4. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan:

Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

5. Prior to the construction works to the external elevations of the building commencing, notwithstanding the submitted details, a full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine the impact that the poor air quality in the area will have on the future occupiers of the proposed development and provide details of the required mitigation measures that will be provided to address any such adverse impact. The approved mitigation measures shall be implemented prior to the first occupation of the hereby approved development, and shall thereafter be retained.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with Policies LP20, LP24, and LP47 of the Kirklees Local Plan.

6. Prior to the construction works to the external elevations of the building commencing, notwithstanding the submitted details, an updated Noise Impact Assessment specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and neighbouring premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Determine the existing noise climate and an informed, reasonable estimation of noise from future development to the east of the site;

- Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development; and
- Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter 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.

7. Prior to works associated with the construction of the bin store commencing, as shown on plans ref. “P-100 rev. A” and “214 Rev. C”, notwithstanding the submitted details, details of all the external facing materials and their colour finish shall be submitted to and approved in writing by the Local Planning Authority. Prior to the hereby approved development being brought into use, the bin store shall be erected in accordance with the approved details and thereafter retained.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

8. Prior to works associated with the construction of the bin store commencing, as shown on plans ref. “P-100 rev. A” and “214 Rev. C”, notwithstanding the submitted details, a fire safety strategy for the bin store shall be submitted to and approved in writing by the Local Planning Authority. The fire safety strategy shall include access arrangements for residents and collection services, method of alarm in case of an internal fire, and fire-resistant construction details. Prior to the hereby approved development being brought into use, the bin store shall be erected in accordance with the approved details and thereafter retained.

Reason: In the interest of fire safety, in accordance with the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (“the 2021 Order”).

9. Prior to their use, notwithstanding the submitted information, details of all the external facing materials and their colour, including all cladding, glazing, and brise-soleil panels, shall be submitted to and approved in writing by the Local Planning Authority. The information shall the intended coursing pattern and method of fixture to the building for the proposed cladding and brises soleil panels, and shall be supported by elevations, sections, and plans at a scale of 1:20. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

10. Prior to external works and/or landscaping commencing or prior to the hereby approved development being brought into use, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum 10% net gain in habitats is to be achieved post-development and include details of the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans, including provisions for nesting birds, roosting bats, invertebrates and perching Peregrine Falcon;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management Actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

11. Prior to external works and/or landscaping commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of Wall Cotoneaster species on site. Thereafter the development shall be undertaken in accordance with the approved scheme.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure ecological measures are capable of being fully integrated into the construction phase.

12. Prior to the hereby approved development being brought into use, notwithstanding the submitted plans, a strategy for the permanent closure of one of the two internal staircases between the basement and ground floors, as shown on plan ref. "P-101 Rev. F" shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of the method of closure, including technical specification for fire mitigation purposes. Prior to the development being brought into use the chosen staircase shall be closed in accordance with the approved details and thereafter retained.

Reason: In the interest of fire safety, in accordance with the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order").

13. Prior to the hereby approved development being brought into use, notwithstanding the approved plans, full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- Planting plans;
- Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
- Schedules of plants noting species, planting sizes and proposed numbers/densities; and
- Details of an implementation and maintenance programme for a minimum 5-year period.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development in accordance with Policies LP24, LP30 and LP32 of the Kirklees Local Plan.

14. Prior to the hereby approved development being brought into use, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the control measures that will be taken to ensure that undue noise does not arise from the non-residential use of the development site and the control measures to ensure there will be no loss of amenity to the occupiers of neighbouring apartments. The approved noise management plan shall be implemented before use commences, reviewed periodically and retained thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, 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.

15. Prior to the occupation of any residential unit on the first or ninth floors, a report that demonstrates the internal noise criteria for both daytime and nighttime as set out within BS8233 has been achieved in all residential units on the first or ninth floors, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any noise mitigation measures so required shall be retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating uses, 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.

16. Prior to the hereby approved development being brought into use, a management and maintenance of the communal refuse storage, including those responsible for its operation, shall be submitted to and approved by the Local Planning Authority. Thereafter the communal refuse storage area shall operate in accordance with the approved details.

Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

17. Prior to the hereby approved development being brought into use, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include details of:

- The allocation of parking spaces to residents and enforcement of non-authorized use;
- The allocation and reservation of staff parking places including details of the assessment for the number of staff spaces required;
- A management strategy for student moving in / moving out at the start / end of term. This shall include details of where possessions will be dropped off / picked up, the booking system, how movements will be coordinated, and contact information for the responsible party for the arrangements on the day; and
- Mechanism for review of the Car Park Management Plan

The development shall thereafter be operated in accordance with the approved Car Park Management Plan.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity, in accordance with Policies LP21 and LP24.

18. Prior to the hereby approved development being brought into use, a report containing the proposed security and anti-terrorism mitigation measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The identified measures shall be implemented before the building is brought into use and shall thereafter be retained.

Reason: In the interest of crime prevention and anti-terrorism mitigation, so as to comply with Policy LP24 of the Kirklees Local Plan.

19. Prior to the hereby approved development being brought into use, two electric vehicle charging points shall be installed and be ready for use within the car parking spaces as shown on plan ref. "P-101 Rev. F". The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.

Reason: In the interest of supporting the use of low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

20. Prior to the hereby approved development being brought into use, the bike store provision, as shown on plan ref. "P-107 Rev. A" shall be implemented and made ready for use. Thereafter the bike store as approved shall be retained.

Reason: To promote alternative methods low carbon of travel, in accordance with LP21 of the Kirklees Local Plan.

21. The use of the communal facilities, including the open plan lounge, gymnasium and café, as shown on plan ref. "P-101 Rev. F", shall be ancillary to the residential use only and shall not be available for use to any person not residing within the residential use hereby approved.

Reason: In the interest of highway safety, as the impacts of an open use of these facilities have not been demonstrated, and to comply with LP21 of the Kirklees Local Plan.

22. The accommodation hereby permitted shall be occupied by students only, 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 any other purpose in Class C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: So as to ensure that the development is used solely for student accommodation and not open-market housing whereby affordable housing provision would be sought and different amenity standards would apply, and in the interest of highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

23. The removal of vegetation shall be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist shall be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

Reason: In the interests of preserving the biodiversity of the site, in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Note: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is, however, more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

Note: The responsibility of securing a safe development rests with the developer and land owner.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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:

- Monday to Friday: 0730 – 1830.
- Saturday: 0800 – 1300.

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
Existing Floor Plans	E-101		06.12.2022
Existing Floor Plans	E-102		06.12.2022
Existing Floor Plans	E-107		06.12.2022
Existing Floor Plans	E-201		06.12.2022
Existing Floor Plans	E-202		06.12.2022
Existing Elevations	E-203		06.12.2022
Location Plan	P-001		06.12.2022
Block Plan	P-002	Rev. C	06.04.2023
Block Plan	P-003	Rev. A	06.04.2023
Block Plan	P-100	Rev. A	10.05.2023

Plan Type	Reference	Version	Date Received
Proposed Floor Plans	P-101	Rev. F	10.05.2023
Proposed Floor Plans	P-102	Rev. A	22.02.2023
Proposed Floor Plans	P-103	Rev. A	22.02.2023
Proposed Floor Plans	P-105	Rev. B	22.02.2023
Grouped Plans and Elevations	P-106	Rev. D	10.05.2023
Proposed Floor Plans	P-107	Rev. A	11.03.2023
Proposed Elevations	P-210	Rev. B	06.04.2023
Proposed Elevations	P-211	Rev. C	10.05.2023
Proposed Elevations	P-212	Rev. B	06.04.2023
Proposed Elevations	P-213	Rev. C	03.05.2023
Grouped Plans and Elevations	P-214	Rev. C	10.05.2023
Proposed Site Sections	P-310		06.12.2022
Proposed Site Sections	P-311		06.12.2022
Proposed Site Sections	P-401		22.02.2023
Proposed Site Sections	P-402	Rev. A	06.04.2023
Ecological / Biodiversity Statement	Biodiversity Impact Assessment		20.03.2023
Supporting Information	Health Impact Assessment		20.03.2023
Supporting Information	Indicative samples of material (fins) (1 of 3)		30.03.2023
Supporting Information	Indicative samples of material (fins) (2 of 3)		30.03.2023
Supporting Information	Indicative samples of material (fins) (3 of 3)		30.03.2023
Ecological / Biodiversity Statement	Extended Phase 1 Habitat Survey & Daytime Bat Survey		11.03.2023
Supporting Information	Accessibility Statement		22.02.2023
Supporting Information	Climate Change Statement		22.02.2023
Supporting Information	Planning Statement		16.12.2022
Design and Access Statement	18221	Rev. D	15.12.2022
Supporting Information	Fire Statement		06.12.2022
Transport Statement	757-01/TS01		06.12.2022
Noise Assessment	J004090-5836-02-CW		06.12.2022

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 Planning 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 expressed concerns over the external elevation treatments. This was due to the originally proposed design having a particular vertical emphasis in its arrangement, which both exacerbated the height of Crown House and conflicted with the more horizontal arrangements on adjacent buildings. Discussions took place which resulted in amendments which introduced more horizontality to the design features. Based on the amended design, officers welcomed the external works as an attractive enhancement to the building. Negotiations also took place regarding the provision of S106 obligations / contributions.

In accordance with the Council's Delegation Agreement the application was presented to the Strategic Planning Committee held on 11/05/2023, where members resolved to support officer's recommendation to approve.

Report Dated: 16/08/2023