

**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:	2023/62/91871/W
Site Address:	44-48, Westgate, Huddersfield, HD1 1NX
Description:	Change of use from retail (Ea use) to form 6 residential apartments (C3 use) on the ground and basement floors with external alterations (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: 24th April 2024

Officer Report

Site Description

44-48, Westgate, Huddersfield, HD1 1NX

The application site relates to a four-storey, stone-built building located within Huddersfield Town Centre, positioned on the junction of Westgate and St George's Street. The ground floor of the building was previously occupied by a retail outlet named 'Department Forty Four', this use appears to have now ceased. The upper floors of the building have been previously converted into residential apartments.

The site is located within Huddersfield Town Centre Conservation Area and adjoins and is located adjacent to several Listed Buildings.

Description of Proposal

The application seeks planning permission for the change of use from retail (E(a) use) to form 6 residential apartments (C3 use) on the ground and basement floors (within a Conservation Area).

Apartment 1 has an internal floor space of approximately 57.58sqm and comprises of open bedroom and snug, 2 bathrooms, open plan kitchen and lounge area. This apartment is to be accessed from the basement floor via a new glazed door entrance onto Temple Close.

Apartment 2 has an internal floor space of approximately 86sqm and comprises of open plan bedroom, snug and games room, 2 bathrooms, open plan kitchen/dining and lounge area and a lobby area. This apartment is to be accessed from the basement floor via an existing access from Temple Close.

Apartment 3 has an internal floor space of approximately 76.25sqm and comprises of 2 bathrooms, open plan bedroom and snug, open plan kitchen/dining and lounge area. This apartment is accessed on the ground floor via an existing entrance located on Westgate.

Apartment 4 has an internal floor space of approximately 64.85sqm and comprises of an open plan bedroom and snug area, 2 bathrooms, open plan kitchen/lounge and dining area. This apartment is accessed on the ground floor via a new glazed door entrance onto Westgate.

Apartment 5 has an internal floor space of approximately 85.64sqm and comprises of an open plan bedroom and snug area, 2 bathrooms, open plan lounge/dining and kitchen area. This apartment is accessed from the ground floor via an existing entrance located in between St George's Street and Westgate.

Apartment 6 has an internal floor space of approximately 67.03sqm and comprises of open plan bedroom and snug, 2 bathrooms, open plan kitchen/dining and lounge area. This apartment is accessed from the ground floor via a new entrance proposed on to St Georges Street.

External alterations are also proposed which include alterations to the existing shopfront, installation of new windows and doors, removal and replacement of soil vent pipes and electric cables. These are discussed in more detail within the visual amenity section of this report.

No parking is proposed, although cycle storage is shown on plan for all apartments.

History of negotiations/amendments received

Officers requested further information in respect of ventilation from the applicant following on from receipt of Environmental Health comments. Amended plans were also requested for an amended internal layout given Officers concerns in respect to lack of light and outlook. A bedroom in apartment 5 was also included as this had been missed in error within the originally submitted plans.

Relevant Planning History

2021/93278 – Notification for prior approval for change of use from retail shop to restaurant with building operations (Conservation Area). Withdrawn/Invalid 17th August 2021.

2018/93207 – Formation of new shop front to create 3 no. shops and internal alterations (within a Conservation Area). Approved 27th February 2019.

2016/92714 – Notification for prior approval for change of use of part of shop (Class A1) to restaurants and café (Class A3) (within a Conservation Area). Approved 6th October 2016.

2015/93150 – Alterations to form duplex apartment on first and second floors, erection of extension to form roof top apartment and installation of photovoltaic solar panels on roof (within a Conservation Area). Approved 11th April 2016.

2013/92354 – Discharge conditions 4 (ventilation) and 5 (bin collection) on previous permission 2013/90650 for alterations to convert existing retail unit to 11 flats (within a Conservation Area). Approved 19th December 2013.

2013/90650 – Alterations to convert existing retail unit to 11 flats (within a Conservation Area). Approved 28th June 2013.

2008/91481 – Variation of conditions 11 and 14 relating to materials used for exterior walls and roof on previous permission 2005/62/90510/W1 for demolition of existing shop and erection of new shop (within a Conservation Area). Approved 15th July 2008.

2005/90511 – Conservation Area consent for demolition of existing shop. Approved 16th May 2005.

2005/90510 – Demolition of existing shop and erection of new shop (within a Conservation Area). Approved 12th May 2005.

Consultation Responses

KC Waste Strategy – Comments received 7th September 2023. No objections in principle, comments are summarised below.

- *‘For 6 apartments the recommended waste storage provision is 1080 litres (6X180ltrs). The proposal is for use of 3no 360litres recycle bins and 3 no 360litres refuse bins for new apartments. The existing apartments already have waste bins within rear of Temple Close. **The waste storage provision is acceptable.** Ideally the waste store would open directly onto outside of the building with an internal door for use by residents. It is recognised that due to the constraints imposed by the fact this is a refurbishment of an existing building then the waste storage arrangements proposed is a reasonable solution particularly in preference to an external store.*
- *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. Requirements relating to design and construction of the internal waste storage areas are detailed in BS 5906: 2005. The doors should be secured with a keypad to enable access by residents. There should not be a step between the floor level of the store and lobby level. Door width at 860mm (external) and 1000mm (internal bin store) appear to be wide enough to enable a wheeliebin to pass through from the store and the external door.*
- *The internal Bin store will need to be well ventilated and have a smooth easily cleanable floor and include adequate lighting within the store to ensure safety of users. Air fresheners and vermin boxes may be required.*
- *The bin storage area and access routes to the Bin Collection Point (BCP) should be constructed to withstand point loading and movement, impacts of larger bins over time, and to resist future rutting, pitting, cracking or other such surface degradation that would impair bin manoeuvring.*

- *RCV Cleansing staff will not pull out the bins from the integral bin store. It is noted that the applicant states that “the management team will bring out the respective waste bins during collection day.”*
- *Suitable site access and manoeuvrability space for a Refuse Collection Vehicle (RCV) is vital to the Council’s ability to discharge its obligation to collect waste from domestic properties. This obligation will exist in perpetuity on any residential development and as such will be a critical consideration in the layout of the site if approval is granted. The Authority defers to Highways colleagues for technical analysis of the road layout and swept paths in respect of RCV access but offers the following observations in this regard.*
- *Apartments at 44-48, Westgate, Huddersfield are currently serviced by Kirklees WCA so collection from the development is viable with the present RCV fleet.*

KC Highways Development Management – Comments received 5th January 2024. No objections.

Railway Infrastructure Manager – Comments received 26th September 2023. No objections however, it is noted that the developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. It is also noted that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

KC Environmental Health – Comments received 7th September 2023. No objections in principle however they do request the submission of some additional information prior to the determination of the application. This includes the submission of a full Air Quality Impact Assessment. Subject to the submission and acceptance of an Air Quality Impact Assessment ENVH Officers have provided a list of conditions that would be attached should planning permission be granted. The conditions relate to the submission of a noise assessment report and mitigation scheme, noisy construction working times, and the submission of written evidence to demonstrate that the airborne sound insulation performance of the party walls/floors/ceilings is acceptable.

Officer note: Following receipt of the above comments the applicant’s agent sought to submit revised plans which show the installation of MVHR systems stating that the basement ventilation is connected to the ground floor system. Plan 116 Rev C shows the fresh air will be drawn from louvres at the top of the glazing which is shown in the Westgate elevation ref 113 Rev A. The Council’s Environmental Health team were re-consulted on the amended plans and note that the fact that fresh air being drawn from the intakes to the Westgate façade are a concern however, if the applicant were to revise this to draw fresh air in from the rear or at a higher level, it would likely be

acceptable. ENVH's previous comments and conditions in respect of noise and construction remain.

Officer note: The applicant's agent responded to ENVH comments via email on the 15th December 2023, noting that the MVHR are fitted with filters so that they will be able to provide clean fresh air into the apartments alleviating their concerns. They also state that these systems are widely used throughout town and city centres and therefore have been accepted by other Council as a norm. Furthermore, the original apartments on the upper floors of the building have already been implemented and there are no issues with air quality. Since they are already implemented, ducting's through these apartments would be difficult, and in fact when looking at older developments they do not have sound attenuation or mechanical ventilation systems. The Council's Environmental Health team responded to this email that whilst the comments are noted they are not accepted. The site is within an AQMA and so mitigation measures are necessary. If fresh air being drawn from the rear is not possible then it is possible that a condition could be imposed which requires the installation of a MVHR system with Zehnder Nox filters as per the submitted information. The maintenance regime is for the filters to be checked every 3-6 months and replaced annually but as we cannot enforce this aspect it is suggested that the 'as per manufacturers recommendations' wording is used.

KC Conservation & Design (Informal) – Comments received 17th April 2024. Officers consider the proposals to be acceptable in principle but would request conditions in relation to the details of the proposed windows and doors and vent finishing.

Parish/Town Council

N/A.

Local Ward Members

None.

Representations

Final publicity date expires:

Neighbour Letters - Expired 29th September 2023.

Site Notice – Expired 12th October 2023.

Press Notice – Expired 29th September 2023.

No representations have been received to date.

Officer note: The application has been advertised by neighbour notification letter, site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management

Charter. This is due to the site being located within the Huddersfield Town Centre Conservation Area and affecting the setting of Listed Buildings.

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 located within Huddersfield Town Centre, Secondary Shopping Frontage, Huddersfield Town Centre Conservation Area and Coal Referral Area. It is also important to note that the site adjoins and is adjacent to several Listed Buildings.

Officer note: Whilst it is acknowledged that the application site is located within a Coal Referral Area, given the nature of the proposal is for the conversion of an existing building with minimal external alterations proposed, it is considered unreasonable to request a Coal Mining Risk Assessment in this instance, especially in relation to Coal Authority advice.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land**
- **LP11 – Housing Mix and Affordable Housing**
- **LP13 – Town Centre Uses**
- **LP14 – Shopping Frontages**
- **LP15 – Residential Uses in Town Centres**
- **LP17 – Huddersfield Town Centre**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protecting and Improvement of Environmental Quality**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 2023, 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 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting sustainable transport
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful 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

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Climate Change Guidance for Planning Applications
- Waste Management Design Guide for New Developments (Version 5, October 2020)

Legislation:

- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004
- Planning (Listed Building & Conservation Areas) Act 1990

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving

sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.

In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

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...”*

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

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

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

Policy LP7 of the Kirklees Local Plan states that we should encourage the efficient use of previously developed land in sustainable locations and Policy LP3 of the Kirklees Local Plan requires new development to be situated in a sustainable location that provides access to a range of transport choices and access to local services. The site is located within the Huddersfield Town Centre and there are several bus stops located within walking distance as well as the site being located directly adjacent to the Huddersfield train station.

Therefore, the site is considered to be in a sustainable location close to public transport and local services.

However, the application site is located within a Secondary Shopping Frontage within a Principal Town Centre (Huddersfield) and therefore, Chapter 7 of the NPPF and Policies LP13 (Town Centre Uses), LP14 (Shopping Frontages) and LP17 (Huddersfield Town Centre) of the Kirklees Local Plan all need to be taken into consideration within the assessment of the proposal.

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 adaptation. Paragraph 90(f) 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. The 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.

In relation to Secondary Shopping Frontages, Policy LP14 states that the uses within these allocated areas are characterised by a mix of retail and other 'main town centre uses' but that at street level, main town centre uses will be acceptable provided that they meet the below:

'a. whether the proposal would lead to a dominance of non-retail uses in a particular frontage which would undermine the retail core and function of the Primary Shopping Area;

b. the nature of the proposed use, including the associated level of activity, hours of operation, whether a shop front would be incorporated and whether it would complement neighbouring uses; and

c. in all cases proposals and changes of use shall seek to either retain, enhance or replace to improve shop front design and layout'.

Policy LP17 of the Kirklees Local Plan outlines 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 centre uses. Huddersfield Town Centre will also provide high quality educational facilities and opportunities for town centre living'.*

It goes on to state that *'proposals for new development within the town centre will be supported where they:*

- a. *preserve and enhance the towns' cultural and architectural heritage and open spaces, and connections to them;*
- b. *provide a safe welcoming inclusive destination for people of all ages of the district to visit throughout the day from morning into the evening;*
- c. *provide space for town centre residential living;*
- d. *provide opportunities for larger scale individual retail floor plates;*
- e. *provide, where appropriate, sustainable modes of transport, such as cycle and pedestrian routes, cycle parking and charging points for electric vehicles;*
- f. *provide space for a range of businesses from small scale start-ups to larger multinational corporations*
- g. *create opportunities for the economic development and expansion of the town and the district;*
- h. *retain and regenerate key historic features of the town centre such as pedestrian arcades, yards and historic listed buildings, both within and outside of the Huddersfield Town Centre Conservation Area;*
- i. *Retain and refurbish traditional shop fronts wherever practicable*
- j. *facilitate development and continued evolution of the University of Huddersfield and its Queensgate campus, enhancing its connections with the town centre core; and*
- k. *Provide where appropriate urban green infrastructure such as street trees'.*

With regard to town centre living, Policy LP15 of the Kirklees Local Plan states that:

“Proposals for residential uses (including student accommodation) within the defined town centres as set out on the Policies Map 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 floor, and shall not prejudice existing established uses;

(b) 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;

(c) The protection and retention of existing ground floor uses and active frontages both within and outside the primary shopping area;

(d) 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

(e) 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;

(f) 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;

(g) Provision of affordable housing in accordance with policies set out in the Local Plan; and

(h) The provision of refuse storage and collection.”

The application site is located within a Secondary Shopping Frontage Area within Huddersfield Town Centre. The last lawful use of the ground floor and basement appears to be Class E(a)(retail), whilst currently occupied the unit is to become vacant in the near future.

Whilst it is noted in the NPPF that residential use can make a positive contribution to the vitality and viability of a town centre, as the lawful use of the site is for a retail use and it is located within a Secondary Shopping Frontage Area, Officers have concerns about the loss of this unit for residential dwellings at both ground floor and basement level. Furthermore, as outlined within Policy LP15 proposals for residential uses within Secondary Shopping Frontage areas shall normally only be permitted on upper floors and shall not prejudice existing established uses.

Notwithstanding the above, within the submitted Design and Access Statement, it is outlined that the vacant small end retail unit has been marketed vigorously by local letting agents but that they have remained vacant for many months.

It is noted that the site benefits from an extant planning permission (application ref: 2018/93207) which was previously approved in 2019 for the formation of a new shop front to create 3 no. shops and internal alterations. Whilst it appears that one of the new shops have been created 'DAM Health' which provided assistance with the testing of COVID-19, this unit does appear to be now vacant.

In addition, the submitted Design and Access Statement highlights that the proposals are required to ensure that the building adapts to market demand and utilises the large ground and basement floors of the property which may become vacant over time in the future. This is also supported by emails received from the applicant and applicant's agent on the 12th March 2024, whereby they outline that the current economic climate have been massively impacted on the following which has been unexpected:

- *'Post Covid-19 (and some Covid appeared to be still ongoing) had initially caused the decline in the retail sectors and many small businesses;*
- *The post covid caused increase in labour and building materials cost which did not help;*
- *The ongoing middle east conflict did not expect to have lasted that long;*

- *This conflict had caused the utility bills to soar to record high;*
- *The recent red sea crises had really broken the camel's back;*
- *All these factors had influence in the economic decline; and*
- *UK had announced that they are in recession like so many other countries;*
- *All these unforeseen factors had contributed to many small (and even big) businesses to close.*
- *Notwithstanding this, the applicant will be re-investing heavily to ensure that the apartments commence and will create luxury style town centre living ethos;*
- *The addition of the bus stop directly in front of their units block all visual frontage, (more so we have been told that they were not even consulted about the bus stop and just appeared)'*

The applicant has also provided a timeline of events, which states that their previous tenant for the main larger retail unit was Department 44 who had struggled to do business in this location and left the unit in September 2023, after occupying the space for over 15 years. Over the last few years their business had declined due to a fall in customers. Generally, in the area the retail footfall had dropped considerably due to the technical college closing, the changes to road layout and one-way routes – this was stated clearly to the applicant when Department 44 left. The new tenants Suits Emporium started in December 2023 and signed a 1-year agreement, they are currently in the process of trying to terminate their agreement giving the same reasons as Department 44. Whilst the applicant states that they have tried to work with the occupiers and have been flexible in respect of late rent payments, they have been notified that the company can no longer stay due to major losses, with an average weekly turnover significantly less than that which would be required just to break even.

The applicant then goes on to discuss their second smaller retail unit, which was previously leased as a Hair Salon. The Hair Salon signed a lease for 5 years but chose to leave within 6 months. After them the new tenant for the unit who also signed a 5-year lease and then signed for bankruptcy within 1 year. The next tenant also went out of business within 1 year, subsequently terminating the 5-year agreement. All of these tenants complained about the same issue – lack of footfall due to the shop windows not being visible because of the new bus stops. These bus stops have had relatively new changes to the layout and are now covering the smaller retail unit entrance and windows completely. In addition to this, people waiting at the bus stops are further blocking the view of the store. This is making it difficult to rent out the unit due to these reasons.

On this strip of Secondary Shopping Frontage, which faces onto Westgate, there is a barber shop and salon, therefore the retention or reintroduction of other retail/town centre uses would be welcomed. However, given the issues outlined above by the applicant, previous and current occupiers of the units are struggling in this location and therefore to avoid the units becoming vacant, a change of use to residential premises could help to alleviate these concerns.

Also of note, on the 5th March 2024 two changes were made to the Class MA right (Class E commercial, business and service users to Class C3 residential use) of the Town and Country Planning (General Permitted Development)(England) (Amendment) Order 2024. These changes include the removal of paragraphs (a) which previously required the building to be vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval and (c) which required the cumulative floorspace of the existing building to be changed to not exceed 1500 square metres in size. The updates to Class MA are considered to now provide the applicant with a 'fall back' position, in that should a prior approval application be submitted for the proposed changes, it is likely that permission could be granted. Albeit it is acknowledged that as the site is located within a Conservation Area and involves the whole of the ground floor to be changed in use prior approval would be required from the Local Planning Authority. Given that a full planning application has been submitted, it is considered appropriate to give weight to the 'fall back' position, whilst also undertaking an assessment of any impacts on the Conservation Area, residential amenity, highways safety etc.

Referring back to planning policies LP14 and LP15 of the Kirklees Local Plan, given the existing nature of the street Officers do not consider the provision of residential accommodation in this location to lead to a dominance of non-retail uses, and given its siting at the end of the row of units it is not deemed to be overly impactful in undermining the retail core, and whilst it would see a loss of a main town centre use on the ground floor, it is considered that the applicant and agent have sufficiently demonstrated that the current use is not working in this location given recent changes to both the local area, economic climate and recent COVID-19 relates instances. In respect of the design and external changes proposed to the building, this is discussed in more detail within the visual amenity section of this report. In terms of residential amenity for existing and future occupiers, this is discussed in more detail further into the report, alongside the provision of suitable refuse storage and collection, space for vehicular parking and space for the storage of sustainable modes of transport such as bicycles, all of which are considered to be acceptable in this instance.

In conclusion, it is considered that given the above assessment, and the Council's current position in respect of being unable to demonstrate a five-year supply of housing land, a tilted balance in favour of housing development will be taken, in addition, the site does now benefit from a potential 'fall back' position under the updates made to Class MA of the Town and Country Planning (General Permitted Development)(England) (Amendment) Order 2024, and therefore on this occasion it is considered that this would carry sufficient weight to overcome Officers concerns in respect of the loss of a previous retail/Class E unit to residential accommodation at ground floor level. The applicant has demonstrated that there is a genuine need for other uses within this location and by allowing residential use at these units, will ensure that the properties do not remain vacant for a prolonged period of time. Officers therefore conclude that the proposal would, on balance, be

acceptable in principle and accords with Policies LP3, LP7, LP13, LP14, LP15 and LP17 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

2 - Impact on Visual Amenity and Heritage Assets:

Section 66 of the Planning (Listed Buildings & Conservation 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.

LP35 states that: *‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of this 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’.*

Paragraph 205 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”* This is further supported by paragraph 207 of the NPPF which outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, this weight should be weighed against the public benefits of the proposal.

In addition, the NPPF offers guidance relating to design in Chapter 12 (achieving well-designed places) whereby Paragraph 131 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.

Policy LP24 of the Kirklees Local Plan 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...”

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 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 6 of the Housebuilders Design Guide SPD highlights that *‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’.*

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Regarding visual amenity and the impact on the Conservation Area and setting and significance of adjacent Listed Buildings, the majority of the works are to consist of internal alterations and as such would have minimal, if any impact on the significance of these heritage assets. However, external alterations are also proposed in the form of a modification to the existing shopfront on the Westgate elevation of the property to provide a new entrance and access steps to studio duplex apartment 4. This modification is to be

reflective of the existing modified shop front directly adjacent, which was previously occupied by 'DAM Health'. The proposed alterations are therefore considered to be sympathetic and appropriate in this location, subject to the submission of window and door details prior to their installation.

Looking at the Temple Close elevation, alterations are proposed in the form of installing 3 new windows, one at basement level and 2 at ground floor level. These windows are to have heads and cills and are to be of a similar size and design to the existing windows within this elevation, these amendments are therefore considered to be acceptable. In addition, the proposals seek to remove several of the existing soil vent pipes and replace it with one new soil vent pipe. Electric cables on this elevation are also to be removed. Finally, a new door is to be installed adjacent to the main entrance for existing residents. This door again, will be reflective of what currently exists and is therefore deemed to be acceptable. These elements of the scheme are considered to be acceptable subject to the submission of window and door details prior to their installation.

Moving on to the St. George's Street elevation, two of the existing shopfronts for apartments 1 and 5 are to be replaced with high level openable windows, and the final shopfront is to be modified to create a new entrance and access steps to apartment 6. This again would be reflective of the modified shopfront on the Westgate elevation and is therefore considered appropriate in this location, subject to the submission of window and door details prior to their installation.

Following discussions with the Council's Conservation & Design Officer they also request a condition be imposed in respect of the proposed vents to be installed within the main principal elevations of the building, facing on to Westgate and St George's Street, in the interests of providing a satisfactory appearance of the development upon completion and to conserve and enhance the character and appearance of the Huddersfield Town Centre Conservation Area.

Whilst Officers note that the site is located within Huddersfield Town Centre Conservation Area and adjoins and is located adjacent to several Listed Buildings, given the minor nature of the external alterations proposed, and that they are considered to be visually appropriate (subject to conditions), it is concluded that the proposals would have a neutral impact to the significance of the Conservation Area and setting of Listed Buildings, nevertheless the public benefit, whilst small, arising from the redevelopment of the site for housing at a time of national and local shortage is, in this specific case, is considered to outweigh any minimal harm the proposals would have in this instance.

For the reasons outlined above and subject to the recommended conditions, the proposed alterations are considered to not harm the visual amenity of the area or indeed the setting and significance of the Conservation Area or adjacent Listed Buildings. The proposals are therefore considered to be in accordance with Policies LP1, LP2, LP15(a), LP24(a) and LP35 of the

Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide SPD.

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 135 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.

As noted above, Policy LP15(d) sets out that proposals for residential uses in town centres should protect the amenity of existing residents and future occupiers of the proposed residential use, and will in particular consider matters such as privacy, noise and air quality.

Paragraph 191 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 193 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 6 of the Housebuilders Design Guide sets out 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.

Impact on nos. 1-13 Temple Close

As the proposal seeks a simple conversion of an existing building and the above neighbouring properties are located within the upper floors of the 44-48 Westgate, Officers have no concerns in respect of overlooking, overshadowing or the proposals appearing overbearing in nature.

Amenity of future occupiers

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local

Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Principle 16 of the Housebuilders Design Guide seeks to ensure that all new build dwelling should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Whilst the development here is the conversion of an existing building, it is considered that the same basic ethos is relevant. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan. The Council nonetheless recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

In this instance officers note that the internal floor space for five of the apartments would meet the Nationally Described Space Standards for a two-storey 1 bed unit for 2 people, although it is noted that Apartment 1 falls short of the recommended 58sqm, this is only by 0.42sqm, and therefore on balance is deemed to be acceptable.

Moving on to outlook and natural light, Officers note that large windows are to be provided within the apartments at ground floor level and given the open plan living arrangements, it is considered that habitable rooms at this level will benefit from a sufficient amount of natural light and outlook. At basement level, whilst it is acknowledged that many of the apartments are only provided with light from a void up to ground floor level, and that in some instances future occupiers would only be able to gain oblique views of these windows, nevertheless, given the size of the apartments, open plan living and the availability to access light and outlook at ground floor level, Officers consider that on balance, the proposals would be acceptable on this occasion. Also of note, following receipt of amended plans apartment 2 has now been altered to provide solely ancillary accommodation within the basement level, with all habitable rooms provided on the ground floor.

In relation to Principle 17 of the Housebuilders Design Guide SPD, it is considered that the lack of outdoor amenity space is unfortunate. However, the proposed dwellings would be sited within Huddersfield Town Centre in close proximity to both the train and bus station, and within reasonable walking distance to St Peters Church which provides some urban green space. It is also noted that other apartments located along Westgate, St Georges Street and Temple Close have a similar arrangement and therefore the proposals are considered to be acceptable in this instance.

Taking into consideration noise pollution at the site, the Council's Environmental Health Officers were consulted and note that the applicant has submitted a Residential Noise Assessment authored by Nova Acoustics dated 23 August 2023 Ref NP-009759 with the aim of establishing the prevailing sound levels at the proposed development and assessing the suitability of the site for residential use.

An Environmental Noise Survey was conducted between the 3rd of August 2023 and the 7th of August 2023 from 2 measurement positions (MP) as shown in figure 2. A summary of the results from both MPs is given in table 2. It is noted the acoustic environment is deemed to be moderate to high in level and this is noted in the findings.

In order to meet with the internal requirements of BS8233, glazing is specified for all apartments with a different specification for apartment 5. The report assesses the ventilation and tables 6 and 7 show exceedances which are deemed unacceptable as windows cannot be used for the primary means of ventilation. An alternate ventilation strategy is therefore required that is capable of a higher rate of ventilation and the report states a Mechanical Ventilation Heat Recovery (MVHR) system is proposed to be installed for background ventilation with a caveat to ensure the self-generated noise levels from the MVHR extract fans to not exceed the specified criteria.

The findings thus far are accepted by ENVH Officers, but it is noted from the submitted plans from Jade3 Architecture dated 06 June 2023 Ref 115 & 116 that there is an internal plant room and a lift which has not been considered in the noise assessment. A condition is therefore recommended for a further/addendum report to be submitted to ensure there is no loss of amenity to the occupiers of the development. The applicant will also need to provide evidence of a higher level of sound insulation where the residential premises share a party wall with the neighbouring commercial premises and a condition is recommended to ensure there is no loss of amenity to the occupiers of the development.

Taking the above into account, Officers consider that on balance, and subject to conditions, the proposals are considered to provide a good standard of amenity for future occupants of the apartments as required by Chapters 12 and 15 of the National Planning Policy, LP24b, LP15d and LP52 of the Kirklees Local Plan, and principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 115 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The Council's Highways team note that the site is located within a highly sustainable location within Huddersfield Town Centre, adjacent to Huddersfield train station, and that it is close proximity to several bus stops and the town centre bus station it is not considered necessary to require parking provision at the site. Cycle parking is also available on site.

Furthermore, the Council's Waste Strategy team were also consulted and noted that the applicant proposed the use of 3 no. 360 litres recycle bins and 3 no. 360 litres refuse bins for the new apartments and that the existing apartments at the site already have waste bins within the rear of Temple Close. Officers therefore consider the waste storage provision to be acceptable. In addition, existing apartments at no. 44-48 Westgate are currently already serviced by Kirklees WCA and therefore collection from the development site is viable with the present RCV fleet.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Policy LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The application is supported by a Climate Change Statement, this statement outlines that dual flush toilets and LED light bulbs are to be installed within the apartments, with building materials sourced locally, using local skilled labourers to reduce the need for travel. Furthermore, full height shopfront glass is to be modified to provide access and take advantage of natural daylight, with new windows provided to ensure that they are double glazed and comply with the noise consultants' recommendations. Finally, although it notes that the anticipated water consumption of the apartments is less than 125 litres per person per day.

Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

Taking the above into account, the proposed development is therefore considered to comply with Policies LP24 and LP26 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

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 the proposed development would, on balance, constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve with conditions.

Decision Authorisation – Delegated Powers

Application Number: 2023/91871

Officer Recommendation: Approve with conditions.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP11, LP13, LP14, LP15, LP17, LP20, LP21, LP22, LP24, LP35, LP51 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 5, 7, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

2. Prior to occupation, a further/addendum report 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 the plant room and mechanical lift shall be submitted to and approved in writing by the Local Planning Authority. The report shall:
 - a) Determine the existing noise climate
 - b) Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development
 - c) 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. This prior to occupation condition is required to ensure that details relating to noise and how, if required it can be mitigated against, are devised and agreed at an appropriate stage of the development process.

3. Before the development is brought into use written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB Dntw+Ctr shall be submitted to and approved in writing by the Local

Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

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.

4. Before the development is brought into use, a MVHR system with Zehnder Nox filters shall be installed within the apartments, in accordance with the details outlined within the approved elevation and floor plans and Brookvent Aircycle 3.1: Heat Recovery Ventilation Brochure, received 24th November 2023. Once installed, the Zehnder Nox filters shall be maintained as per the manufacturers recommendations and be retained thereafter.

Reason: To protect the amenity of occupiers of the proposed development and to ensure that future occupiers of the dwellings are not subject to poor air quality, 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.

5. Notwithstanding the submitted plans and information, no works to replace, modify or install new windows or doors shall be undertaken until full details including profiles, dimensions, colour and depth within the reveals at a scale of 1:20 (elevations) and 1:5 (joinery details) of the windows and doors to be installed, modified and replaced been submitted to and approved in writing by the Local Planning Authority. Thereafter works to replace, modify or install new windows and doors shall be undertaken in complete accordance with the details so approved and be retained thereafter.

Reason: To ensure the satisfactory appearance of the development upon completion and to conserve and enhance the Huddersfield Town Centre Conservation Area, to accord with Policies LP1, LP2 LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principle 2 of the Housebuilders Design Guide SPD.

6. Notwithstanding the submitted plans and information, detailed plans at a scale of 1:20 and technical specification of proposed external vents to both principal elevations on the building which face on to St George's Street (to the west) and Westgate (to the south) shall be submitted and approved in writing by the Local Planning Authority prior

to their installation. The development shall then be completed in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development upon completion and to conserve and enhance the Huddersfield Town Centre Conservation Area, to accord with Policies LP1, LP2 LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principle 2 of the Housebuilders Design Guide SPD.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Proposed Ground Floor	100	-	23 rd June 2023
Existing Basement	101	-	23 rd June 2023
Existing Ground	102	-	23 rd June 2023
Existing Temple Close Elevation	106	-	23 rd June 2023
Proposed Temple Close Elevation	107	A	24 th November 2023
Existing St George Street Elevation	108	-	23 rd June 2023
Proposed St George Street Elevation (option 1)	109	A	24 th November 2023
Existing Westgate Elevation	111	-	23 rd June 2023
Proposed Westgate Elevation (Option	113	A	24 th November 2023

1)			
Proposed Basement	115	C	14 th March 2024
Proposed Ground	116	D	14 th March 2024
Typical Cross Section Duplex Apartment 1	117	-	3 rd July 2023
Typical Cross Section Duplex Apartment 6	118	-	3 rd July 2023
Typical Cross Section Duplex Apartment 5 St Georges Street	119	-	3 rd July 2023
Typical Cross Section Duplex Apartment 5 Westgate	120	-	3 rd July 2023
Typical Cross Section Duplex Apartment 4	121	-	3 rd July 2023
Brookvent Aircycle 3.1 Brochure – Supporting Information	-	-	3 rd July 2023
Brookvent Aircycle 3.1: Heat Recovery Ventilation Brochure – Supporting Information	-	-	24 th November 2023
Design Statement – Supporting Information	2023 enquiry 47	-	4 th July 2023
Heritage Statement – Supporting Information	2023 enquiry 47	-	27 th June 2023
Residential Noise Assessment – Supporting Information	NP-009759	02	24 th August 2023
Climate Change Statement – Supporting Information	-	-	23 rd June 2023

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. Officers requested further information in respect of ventilation from the applicant following on from receipt of Environmental Health comments. Amended plans were also requested for an amended internal layout given Officers concerns in respect to lack of light and outlook. A bedroom in apartment 5 was also included as this had been missed in error within the originally submitted plans. Additional information regarding the impact of the development on the vitality and viability of the town centre was requested and submitted.

Report Dated:

19th April 2024.