

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:	2023/62/93113/W
Site Address:	30, Market Street, Huddersfield, HD1 2HG
Description:	Change of use and alterations to form student living accommodation with ancillary concierge and communal facilities including roof extension and roof terrace
Recommending Officer:	Ellie Thornhill

DECISION – S106- Full Conditional Approval -Granted

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.

David Wordsworth

AUTHORISED OFFICER

Date: 16/07/24

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Officer report

Site description

The application relates to 30 Market Street, located within Huddersfield Town Centre. The building benefits from ten floors and is constructed from brickwork with large areas of glazing. At ground floor, the building benefits from a flat roof addition, which is finished in a blue and grey clad.

The site is located to the east of Huddersfield Bus Station, north of the Council buildings, west of 39-47 Market Street and to the south of 26-28 Market Street. The buildings immediately to the west of the site; 4 Macauley Street and the Plumbers Arms are both Grade II Listed Buildings (Historic England refs: 1134948 and 1215721). The building to the north west of the site at the Thread Works is also Grade II Listed (Historic England ref: 1211180).

The site is unallocated on the Kirklees Local Plan but is located within Huddersfield Town Centre and adjacent to Huddersfield Conservation Area.

Description of development

The proposal seeks a change of use of 30 Market Street from office to student accommodation, consisting of 107 units and ancillary uses with external works.

The student accommodation units would be hosted on floors 1-11 (with an identical layout for floors 1-9). Floors 10 and 11 include the penthouse units and would be subject to a roof extension. The size of the units vary, with floors 1-9 being between 21 - 24 sq.m. The penthouse units (floors 10 and 11) measure between 32 – 34 sq.m. Each unit/studio would include a bed, W.C, and an open plan kitchen/living space.

The ground floor proposes a reception and entrance lobby, with a counter/dinner/food outlet area. Within the basement, a student's lounge, gym, study, W/C and plant and cleaning storage is proposed. Four parking spaces would be provided in the basement for staff.

External alterations include a roof extension, which would have a clad finish.

Externally a secured bin store and bike storage area for 104 bikes would be provided.

Relevant Planning History

At the application site:

2015/94093 Temporary change of use of part ground floor to class D1 assessment centre – Granted.

Neighbouring properties:

2021/94500 Listed Building Consent for removal of external steps – Granted (5-7 Dundas Street)

2019/93476 Erection of extensions, internal and external alterations – Granted (4-6 Macaulay Street)

2019/93477 Listed Building Consent for erection of extensions, internal and external alterations – Granted (4-6, Macaulay Street)

History of negotiations/amendments received

Officers have entered into a number of discussions with the applicant and agent regarding the requirement for additional information. This has been sought throughout the course of the application.

Representations

The application has been advertised via site notice, neighbour notification letters and the press.

Final publicity expired: 23rd February 2024.

As a result of the above publicity, no representations have been received.

Ward Councillor comments

All ward councillors have been notified of the submission and amendments to this major application, whereby no comments have been received.

Consultation responses

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

KC Ecology: The application has been considered acceptable, as protected species can be adequately safeguarded throughout the development and the proposals would provide a biodiversity net gain.

KC Waste Strategy: In support of the application subject to a condition being attached to the decision notice regarding details for the management and maintenance of the communal refuse storage area.

KC Highways Development Management: The development has been considered acceptable on highways grounds subject to a condition requiring a servicing and car park management plan.

KC Lead Local Flood Authority: Drainage officers support this application.

KC Policy: Comments have been provided on the principle of the development.

KC Environmental Health: Conditions have been requested in relation to air quality, noise and construction working times.

KC Strategic Housing: The proposed development is for student accommodation. Affordable housing contributions are not sought on schemes for student accommodation and therefore is exempt from this requirement.

KC Crime Prevention: In support of the application, subject to a condition being attached to the decision notice regarding security measures.

KC Landscape: An off site contribution towards public open space is required.

KC Trees: No objections.

KC Town Centres: No response received.

Yorkshire Water: No response received.

The Coal Authority: No response received.

Health and Safety (Fire Risk): Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

West Yorkshire Fire and Rescue Service: No response received.

Policy

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

The site is unallocated on the Kirklees Local Plan but is located within Huddersfield Town Centre and adjacent to Huddersfield Conservation Area.

Kirklees Local Plan:

The following policies are most relevant to the consideration of this application:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development

- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP15 – Residential uses in town centres
- LP17 – Huddersfield Town Centre
- LP20 – Sustainable travel
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP35 – Historic environment
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

Supplementary Planning Documents

- Highways Design Guide SPD (2019)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

Guidance documents

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

National Planning Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 19th December 2023, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other documents

- MHCLG: National Design Guide (2021)

Climate change

The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Urban design
3. Impact on residential amenity
4. Impact on highway safety
5. Other matters
6. Representations
7. Conclusion

1. Principle of development

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

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.

Housing delivery

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 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (the "pass" threshold is 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, however this has to be balanced against any adverse impacts of granting permission for a proposal.

In this instance, the site is unallocated on the Kirklees Local Plan.

Furthermore, Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

The site is for the conversion of an existing building and therefore Policy LP7 is relevant.

Policy LP7 relates to ensuring the “efficient and effective use of land and buildings”. This policy promotes re-using brownfield / vacant buildings, particularly those in sustainable locations, which this building would wholly comply with. Specific to residential proposals, the policy also seeks to promote a density of 35 dwellings per ha, where appropriate. In this case, the proposal would achieve over the required density and therefore, officers consider the proposal an effective and efficient use of land, in compliance with Policy LP7.

More specifically, Policy LP11 of the Kirklees Local Plan requires that:

All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

In terms of housing mix, Policy LP11 expects proposals of over 10 units to include a mixture of unit sizes, as it this elaborated within the Council’s Affordable Housing SPD. In this case all 107 units would be 1 bed. However, as dedicated student accommodation, built to target a specific group, this is considered acceptable particularly given the location, so close to the town centre and university.

In summary, bringing 30 Market Street back into a full viable use for student accommodation is considered to be an effective and efficient use of land and is welcomed. The scheme would therefore comply with the above policy.

Huddersfield Town Centre

Policy LP15 of the Kirklees Local Plan states that proposals for residential uses (including student accommodation) within a defined town centre will be supported subject to:

- a. the protection of primary shopping areas, primary and secondary shopping frontages, and space for other main town centre uses within the defined centre. Residential proposals in these areas shall normally only be permitted on upper floors, and shall not prejudice existing established uses;
- 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

In regard to criteria a and b, the site is not within a primary/shopping area and would bring a largely vacant office block back into an active use, which would enhance the vibrancy of the street scene and character of the centre. In accordance with criterion c, the scheme would be introducing facilities on the ground floor of the building, which would allow for an active frontage on a building positioned opposite a primary shopping area. Criteria d – h will be discussed in more detail within the latter of this report.

In respect of Policy LP17 of the Kirklees Local Plan, proposals that support town centre living can be supported subject to them:

- 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;

In this instance, the scheme would provide space for town centre residential living as converting the office block would provide 107 student studio flats. This increase in student housing in the town centre would provide the additional capacity for students therefore supporting the university.

Therefore, in summary, the principle of development can be supported in light of the above policy.

Sustainable development and climate change

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

The re-use of an existing building has various economic, social, and environmental benefits, including the conservation of energy and materials which is a positive of the proposal. The application is also supported by a climate change statement which details how climate change has been considered through the design. Key elements include:

A fabric first approach will be taken to reduce the energy demands of the building as far as possible.

Throughout the building common areas and within studios low energy lighting (LEDs) will be installed to ensure that energy is used efficiently.

Within each studio 'smart' energy metering and SMART controls will be installed. If possible, displays will be selected to show the amount and cost of energy consumed to encourage energy efficient use. Energy efficient appliances (fridges etc) are to be selected and installed when fitting out studios.

A welcome pack' will include information to inform student occupiers about using their heating and lighting systems efficiently to benefit from energy saving and lower bills.

The above provisions are welcomed and indicate that the re-development of the site may be considered sustainable development. These elements and others will be further assessed within the report below.

2. Urban design

Chapter 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide and National Design Guide.

Policy LP24 sets out that *"Good design should be at the core of all proposals in the district ..."* and that *proposal should promote good design by ensuring "the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape"*.

The existing building is substantial in size and prominently visible from various areas of the town centre. Its architectural form and overall appearance of the building is typical for its age. As such, the roof extension seeks to add a modern addition and would be limited in size and scale when compared to the existing built form. It would also replace existing plant equipment and therefore improve longer distances views of the building.

The fire escape would also be extended to incorporate the penthouse units. This would be a slight extension to the existing and therefore no concerns have been raised by officers.

With regard to materials, the existing building would remain as existing and the new roof top extension would be finished a dark clad. Officers would wish to see this finish in a dark grey as opposed to the black proposed. This would be in keeping with similar materials used in the immediate vicinity. As such, full details of the clad proposed, including its colour would be attached as a condition to the decision notice.

Whilst the re-clad of the entire existing building would be desirable, the monetary constrains of this have been noted.

The building as existing benefits from large areas of glazing, which would be retained. The roof extension would also be constructed with high levels of glazing (sliding doors with Juliette balconies) which would complement its use and enhance its modern appearance. A glass balustrade is also proposed around the edge of the roof top for safety and security purposes. This would be 1.8m in height. The views of this would be limited, as it would only extend marginally above the existing building, due to the finished floor levels proposed.

In regard to landscaping, the site benefits from little outdoor space which is currently hard surfaced and would be retained for bin storage and secure cycle parking. As such, there is no opportunity for any landscaping.

The proposed bin store and cycle parking would be concealed within the site behind a wall in which fronts Macaulay Street. As such, the bin store is not anticipated to be visible outside of the application site.

Impact on local heritage assets

The site is situated adjacent to a number of Grade II Listed buildings, along with Huddersfield Town Centre Conservation Area to the north east.

Sections 66 and 72 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas and listed buildings. In considering whether to grant planning permission for development which affects a heritage asset or its setting the Local Planning Authority should 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.

The proposed development would not affect the historic fabric of any of the identified heritage assets, as the building is detached. Nonetheless, due regard must be given to their setting.

The proposed building would be prominently visible alongside many of the identified listed buildings, which is inevitable due to its scale and proximity to them. However, new modern development within the town centre is not considered to be unreasonable. In this case, the main external alteration would be to the roof, whereby the building stands at a much higher level than the surrounding built form. The design of the roof extension has been considered sympathetic to the surrounding heritage assets.

Therefore, the slight improvement to this building would not cause undue harm to the historic environment. The public benefits to the development would ensure that an existing underused building within Huddersfield Town Centre is brought into use for student accommodation, within a sustainable location. As such, the development is considered to comply with the aforementioned policy, guidance and legislation.

Having taken the above into account, the impact on visual amenity and the local heritage assets has been considered acceptable. Therefore, the scheme would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF and Sections 66 and 72 of the Planning Act.

3. Impact on residential amenity

A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD 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.

The proposal is seeking to convert an existing building. The proposed works would include a small roof extension and therefore this would slightly increase the mass of the building. However, given its existing height and relationship the building has with the surrounding built form, officers are satisfied that the roof extension would not provide any detrimental overbearing or overshadowing.

With regards to overlooking, whilst the building could be occupied as an office, thus establishing an existing level of overlooking, a residential use is typically considered to be more intense. There are a small number of residential units surrounding the application site to the west (including flats 1-6 at 6 Macaulay Street) and to the north west (including flats 1-7 Threadneedle Street). However, the existing windows within the application site would not have a direct relationship with the openings within the aforementioned buildings and therefore officers are satisfied that existing residential amenity would be protected.

Alongside the above, consideration must also be given to the amenity of the future occupiers. More specifically, the size of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective.

In this instance, it is noted that the units are to be student accommodation and therefore would not form primary residences. The Nationally Described Space Standards are also not applicable to student accommodation.

The size of the units proposed vary between 21-34 sq.m. A minimum of 21 sq.m would not be dissimilar to unit sizes approved at other purpose built student accommodation within Huddersfield Town Centre. Each unit would benefit from a wide range of openings, given the layout of the existing building and therefore would have a sufficient outlook and level of natural light. Alongside the above, each student would have access to the shared

communal space which includes a dining/food outlet area, lounge, gym and study on the lower floors.

In conclusion, it has been considered that the impact on residential amenity would be acceptable in line with the above policy and guidance.

The site is also located within Kirklees Councils Air Quality Management Area (AQMA 9) which encompasses Huddersfield Town Centre and was declared due to exceedances of nitrogen dioxide (NO₂). An Air Quality Assessment has therefore been submitted in support of the application.

The report classifies the development as “minor”, as per the West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance because it does not meet the threshold criteria for a Transport Assessment. Nevertheless, it assesses the impact the development would have on air quality during both the construction and operational phases.

In this instance, KC Environmental Health do not accept the Air Quality Impact Assessment for the number of reasons identified within their consultation response, as the report does not satisfactorily determine the level of exposure of future occupants to poor air quality. As such, a condition requiring a new assessment would be attached to the decision notice, and this should be undertaken by an air quality consultant who specialises in Air Quality Impact Assessments

With regards to noise, the applicant originally submitted a Noise Impact Assessment authored by PDA dated 15 November 2023 Ref J004669-7414-DH-01 which was generally accepted. However, the report made no reference to protecting the amenity of the first-floor occupiers from the proposed use of the ground floor. As such, an addendum to the report has been made (a Noise Impact Assessment authored by Philip Dunbavin Acoustics Ltd dated May 2024 Ref J004669-7414-DH-02)

Based upon worst case scenario of a licensed bar/pub use on the ground floor, para 7.2 states the current construction is unlikely to meet with our requirement and a recommendation is made, with a specification given, for an upgrade which is predicted to exceed this requirement. The applicant is advised that whilst comment has been made to require +10dB above Building Regulations i.e. 53dB Dntw + Ctr, this is increased to 55dB Dntw + Ctr in accordance with para 4.5 of the West Yorkshire Noise & Vibration Guidance document which refers to Noise from Adjacent Entertainment Premises. Comment is made on maximum levels of noise from the ground floor use and it is imperative that this is adhered to in order to ensure there is no loss of amenity to the occupiers on the first floor.

Although the authors have not been informed of any new potential external plant to the development, para 7.30 gives upper limits for any installed fixed mechanical plant and this is welcomed.

Therefore, the findings of the report are accepted, subject to conditions requiring the installation of the sound attenuation scheme and any airborne sound insulation performance of the party floors/walls/ceiling of the development to be of a minimum of 55dB Dntw + Ctr.

In summary the application is considered acceptable from a residential amenity perspective and would comply with Policies LP15 (d), LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. Impact on Highway safety

Paragraph 114 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 115 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

KC Highways DM have been formally consulted as part of this application. The officer has noted that the site is situated within a sustainable location and is within a close distance to Huddersfield bus and rail station and a variety of shops, supermarkets and services.

The application has been accompanied by a Transport Statement.

The application is to change the use of the building from office space to student dwellings and in order to maintain the low trip rates that would be expected from this use and the accompanying low parking demand, Highway officers have requested that a condition is attached to the decision notice to ensure that the units are specifically occupied by full time students.

More specifically, the proposal is for 107 units and the removal of 18 car parking spaces from the basement. This would leave approximately 4 spaces (although it may be possible to achieve 5 spaces with a slight re-shuffle). These are marked as “staff spaces” but it is not indicated if the staff are for the residential units or for the commercial unit and therefore, this information should be provided as part of a parking management plan.

Due to the sustainable town centre location and the type of accommodation being applied for, officers would not insist on vehicle parking for the residents, however there would be a demand for parking for drop-off and pick-up at the start and end of each term and some parking should be provided for this. As there is only a limited number of parking spaces, they would need to be carefully managed with space bookings required for students being dropped-off/picked-up. This should be provided as a parking management document that explains in detail how the booking process would operate and be managed by staff on site to avoid over occupation of spaces.

The site is proposing 104 cycle stands, as shown on drawing No PL006, however not all of these appear to be under cover or secure. Officers would wish to see the cycle storage secure to make the use more attractive to the residents and therefore this would be secured via a condition.

The waste bin storage area is located away from the adopted highway and so the bins would need to be moved by a management company operative on collection day to the adopted highway on Threadneedle Street where collection would take place. This could be secured under a service and car park management plan.

The Transport Statement contained a Travel Plan and although Highways DM appreciate a travel plan being put in place for the proposals to help promote sustainable travel choices, in this instance the LPA would not wish to follow up any requirement for monitoring. The interim travel plan as submitted would be acceptable as the full travel plan. This is because of the very limited opportunities for modal shift with the proposals.

Therefore, in light of the above, subject to the appropriately worded conditions, the application has been considered acceptable from a highway safety and waste perspective, in accordance with Policies LP15 (e, f and h) LP21 and LP43 of the Kirklees Local Plan, the Highways Design Guide SPD and the aims of Chapter 9 of the NPPF.

5. Other matters

Drainage and flood risk

The nature of the development, and its location within Flood Zone 1, precludes the requirement for a Flood Risk Assessment. There are no concerns relating to flood risk for the development.

In this case, the submitted drawings indicate that there are no significant increase in drainage area and therefore the proposed development would not increase flood risk. As such, the proposal is considered to comply with the aims and objections of Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 185 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 186 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in Policy LP30 of the Kirklees Local Plan.

Furthermore, Policy LP30 of the KLP outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

This application has been submitted with a Preliminary Ecological Appraisal and Preliminary Roost Assessment. The site is considered to be of minimal value, comprising of entirely buildings and hardstanding.

As such, the recommended approach to ensure that there are no impacts to roosting bats is accepted. KC Ecology have also undertaken an inspection of the building, and it is considered that a non-licensed mitigation statement would be acceptable to ensure that the proposed development would result in minimal impacts to roosting bats. In addition to roosting bats, it is considered that any potential impacts to protected species would be adequately mitigated through the Construction Environmental Management Plan: Biodiversity.

The proposal would bring about an overall enhancement for biodiversity, as the current proposals seek to incorporate a roof top garden into the design, which could provide a potential resource for foraging bats and birds. In addition to the above, as outlined in the PEA and PRA, roosting provisions for bats and nesting provisions for birds has been secured through the Biodiversity Enhancement Management Plan (BEMP).

Therefore, KC Ecology are in support of the application, as protected species can be adequately safeguarded throughout the development and the proposals will bring about a net gain for biodiversity, in line with national and local planning policies pertinent to biodiversity.

Crime prevention

The Council's Designing Out Crime Officer has been formally consulted as part of this application. The officer has raised no objection to the proposed layout, however, has requested that a condition requiring the security measures for the site be attached to any approval. This includes but is not limited to; CCTV details, access control, doors and windows, cycle storage.

Electric vehicle charging

The submitted plan reference NTL-PL-006 titled Ground Floor Plan as Proposed shows that electric charging points are to be provided. These will be

conditioned to ensure that the EVCP is retained for the lifetime of the development.

Health and Safety Executive

The 10-storey building has a height of approximately 35m when measured from the external ground level to the top storey. As such, the Health and Safety Executive have been consulted, to review the Fire Statement submitted with the application.

Page 2 of the fire statement states: *“two stairs providing the means of the escape from the roof...The two stairs will exit to external ground level... Each stair is provided with a fire sterile ventilated lobby at all levels to minimise the risk of smoke from a fire entering the stair and compromising the means of escape.”*

Additionally, page 5 of the fire statement states: *“The enclosures to the firefighting facilities will be in accordance with the guidance and therefore stairs and lifts will be enclosed in 120 minutes fire resisting construction. Similarly, service risers and the protected stairs (south stair) will also be enclosed in 120 minutes fire rated construction.”*

As such, the HSE welcome the provision of two stairs within the development and therefore is content with the fire safety design to the extent that it affects planning. However, the HSE have identified some matters as supplementary information, which will need to be addressed in advance of later regulatory stages (outside of the remit of planning).

6. Planning obligations

Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.

Applications for student accommodation are exempt from providing affordable housing and education contributions, along with certain typologies of Public Open Space.

As such, a S106 has been secured to cover the following:

Public Open Space

In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.

Giving due regard to the characteristics of student accommodation, such development is exempt from providing towards local typologies of open space, namely allotments, children facilities, and outdoor sports.

Given that the site does not benefit from any existing outdoor amenity space, no on site open space provision has been/can be provided. However, the development would put pressure on nearby open space and therefore an off-site contribution of £153,028.00 has been secured as part of the S106 agreement to ensure compliance with policy LP63 of the Kirklees Local Plan.

7. Representations

As a result of the above publicity, no representations have been received.

8. 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.

The proposal would bring a largely vacant building back into a beneficial and sustainable use. Therefore, the principle of development is acceptable. The design of the roof top extension has been considered proportionate and would replace the existing plant equipment. The development would not be harmful to existing amenity and would not cause any detrimental impact to the safe and efficient operation of the highway. A contribution towards improving local public open space has been sought and other material considerations have been assessed and considered acceptable.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations being secured via an appropriate S106 agreement.

Recommendation: Approve subject to S106 agreement.

Decision Authorisation - Delegated Powers
Application Number: 2023/93113
Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. 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.

4. Before the development is brought into use 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 before first occupation and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

5. Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Philip Dunbavin Acoustics Ltd dated May 2024 Ref J004669-7414-DH-02 –

a) shall be completed; and

b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: 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

6. 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.

7. The development shall be carried out in strict accordance with the hereby approved Construction Environmental Management Plan (CEMP) by Arbtech dated 06/05/2024 for the full period of construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.

8. The development shall be carried out in accordance with the hereby approved Biodiversity Enhancement and Management Plan (BEMP) by Arbtech dated 27/05/2024, unless otherwise agreed in writing by the Local Planning Authority.

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.

9. The development shall not be brought into use until a Servicing and Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing and Car Park Management Plan shall include details of:

- i. Liaison member of staff and contact details
- ii. Restrictions on apartment occupants parking on site and details of any contracts stating this.
- iii. Staff parking arrangements (including types of staff entitled to a space)
- iv. Booking system for parking spaces for start/end of term drop-off/pick-up.
- v. Mechanism for review of the Car Park Management Plan
- vi. Details of the management and maintenance of communal refuse storage by a designated private management company (including a suitable collection location as to not obstruct the adopted highway and to replace the bins back within the appointed storage area after collection).
- vii. Mechanisms in place to avoid waste collection and servicing occurring during days proposed for drop-off and pick-up at the start and end of term.

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

Reason: In the interests of highway safety and residential amenity, to accord with Policies LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Prior to the hereby approved development being first 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.

11. Prior to their use, notwithstanding the submitted information, full details of all new external facing materials (including their colour) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use and retained thereafter.

Reason: In the interests of the visual amenity and to protect the setting of nearby heritage assets, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

12. Prior to the hereby approved development being first brought into use, one electric vehicle charging point shall be installed and made ready for use within the car parking spaces as shown on plan ref NTL-PL-006. 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.

13. Prior to the development being brought into use, 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 a fire, and fire-resistant construction details. The approved measures shall be implemented before the building is first occupied and retained thereafter.

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").

14. Prior to the hereby approved development being brought into use, the bike store provision, as shown on plan ref. "NTL-PL-006" 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.

15. The use of the communal facilities, including the student lounge, gymnasium, study space and canteen area, as shown on plan reference "NTL-PL-006 and NTL-PL-005", 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.

NOTE: 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: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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 Bank/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	Version	Date Received
Location plan	PP-12544273v1	-	08/01/2024
Existing basement	NTL-PL-001	-	08/01/2024

and ground floor plan			
Existing first to ninth floor plans	NTL-PL-002	-	08/01/2024
Existing elevations	NTL-PL-003	-	08/01/2024
Existing elevations	NTL-PL-004	-	08/01/2024
Proposed basement plan	NTL-PL-005	-	08/01/2024
Proposed ground floor plan	NTL-PL-006	-	08/01/2024
Proposed first to ninth floor plan	NTL-PL-007	-	08/01/2024
Proposed 10 th floor plan	NTL-PL-008	-	08/01/2024
Proposed 11 th floor plan	NTL-PL-009	-	08/01/2024
Proposed elevations	NTL-PL-010	-	08/01/2024
Proposed elevations	NTL-PL-011	-	08/01/2024
Existing and proposed floor plan	NTL-PL-012	-	08/01/2024
Proposed street view	NTL-PL-014	-	08/01/2024
Design and Access statement	By C49 Architecture LTD	-	08/01/2024
Planning statement	By C49 Architecture LTD	-	08/01/2024
Climate statement	-	-	08/01/2024
Accessibility statement	-	-	08/01/2024
Fire statement	By C49 Architecture LTD	-	08/01/2024
Accommodation schedule	-	-	08/01/2024
Rapid Health Impact Assessment	-	-	08/01/2024
Ecological statement	By C49 Architecture LTD	-	08/01/2024
Heritage assessment	By C49 Architecture LTD	-	08/01/2024
Transport statement	By C49 Architecture LTD	-	08/01/2024
Statement of community involvement	By C49 Architecture LTD	-	08/01/2024
Air Quality assessment	-	-	08/01/2024
Preliminary Ecological Appraisal and Preliminary Roost Assessment	By Arbtech	2.1	07/02/2024
Construction	By Arbtech	1	16/05/2024

Ecological Management Plan			
Biodiversity Enhancement Management Plan	By Arbtech	1	20/06/2024
Noise Impact Assessment	J004669-7414-DH-02	02	21/06/2024

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. In this instance, Officers have entered into a number of discussions with the applicant and agent regarding the requirement for additional information. This has been sought throughout the course of the application.

Dated: 09/07/2024.