

Consultation Response from KC Policy**2024/90187 former Moldgreen Top Club, 15 Church Street, Moldgreen, Huddersfield, HD5 9DL****Change of use of ground floor from licensed premises to offices****Date Responded: 16/04/2024****Responding Officer: NR****Responding Ref:**

This application is for the change of use of 265 sq. m of floorspace from licensed premises to offices at the former Moldgreen Top Club, 15 Church Street, Moldgreen, Huddersfield, HD5 9DL. The site is approximately 160m away from the nearest designated centre at Moldgreen District Centre (DCB12) which was adopted on 27th February 2019. The site is also located 350m away from another designated centre at Aspley Local Centre (LCB1). The Local Plan should be fully considered; however, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

Currently, the site is vacant having been occupied by a licensed premises. The proposal would change the use of the premises to an office (Use Class E (c)) and with offices being considered to be a main town centre use as defined by the National Planning Policy Framework (NPPF), the proposal needs to be assessed against Policy LP13 in the Kirklees Local Plan. With licensed premises being considered to be a community use, it also has to be considered against Policy LP48 in the Kirklees Local Plan.

Policy LP13 – Town centre uses**Part B – Sequential Test**

Proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a Sequential Test. For retail proposals the boundary shall form the Primary Shopping Area; for all other main town centre uses this shall be the extent of the centre boundary. Main town centre uses shall be first located in the defined centres, then edge of centre locations, and only if there are no suitable sites shall out of centre locations be considered. Edge of centre locations are those defined in the NPPF as being within 300m of a centre boundary and with this site being 160m away from boundary of Moldgreen District Centre, this site can be considered to be in an edge of centre location.

Further advice on the sequential test is set out in paragraph 9.12 of the Kirklees Local Plan which states that sequential tests should provide evidence on:

- Business model for the development
- An appropriate catchment that the business would seek to serve in accordance with the Shopping Centre Hierarchy Table
- An appropriate audit trail of sites that have been discounted with a robust justification.

In their submission, the applicant has provided supporting information regarding the sequential test and have explained that their intention is to rent the office space out to a range of tenants such as solicitors, accountants, insurance brokers and surveyors. They have also stated that there is no office space available in Moldgreen and whilst the latest occupancy survey data for Moldgreen (survey undertaken in 2024) also shows that there are no vacant premises that could accommodate the proposed use the applicant has not provided a justification for the catchment area and there is a large supply of vacant office space in Huddersfield Town Centre which could accommodate the tenants that the applicant proposes to let the offices. Planning Policy are also aware that there are vacant premises at 50-52 Wakefield Road, Aspley, which is of a similar size and which could accommodate an office use. Therefore, the applicant needs to provide more information justifying why the catchment should be limited to Moldgreen and why the premises at 50-52 Wakefield Road, Aspley and available office space in Huddersfield Town Centre should be discounted.

Part C – Retail Impact Assessment

Part C of Policy LP13 states that an Impact Assessment will be necessary for proposals (including the formation of mezzanine floors) for/or which include retail, leisure and office developments which are not located within a defined centre where:

- the proposal provides a floorspace greater than 500 sq. m gross; or
- the proposal is located within 800 metres of the boundary of a Town Centre or District Centre and is greater than 300 sq. m gross; or
- the proposal is located within 800 metres of the boundary of a Local Centre and is greater than 200 sq. m gross.

Because the site is located within 800m of Aspley Local Centre (LCB1) and involves the conversion of 265 sq. m of floorspace, the threshold at which a Retail Impact Assessment is needed has been met. It should be noted that whilst paragraph 94 of the NPPF no longer makes reference to offices, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the Local Plan should still carry significant weight in determining planning applications.

As set out above, there is already a large supply of vacant office space within Huddersfield Town Centre and the proposed use could compete with the office space already available in Huddersfield Town Centre and draw potential tenants of vacant offices away from the town centre. Therefore, it is considered that the proposed change of use could have a significant adverse impact on the vitality and viability of Huddersfield Town Centre.

Policy LP48 – Community Facilities

Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
- b. its current use is no longer viable; or
- c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
- d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
- e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.

Planning Policy have assessed the availability of alternative provision in the locality and there are licensed premises available at the Brooks Arms (approximately 310m away) on the corner of Brook Street and Broad Lane. There are also premises available at the Ivy Green on the junction of Broad Lane and Wakefield Road which is approximately 310m away.

Conclusion

It is considered that adequate alternative provision of licensed venues exists within Moldgreen to serve the local community and therefore the proposal fulfils the requirements of Policy LP48 in the Kirklees Local Plan. However, regarding the Sequential Test, the applicant has not provided sufficient information to justify the need for office space in Moldgreen nor have they considered the suitability of other vacant premises in Aspley Local Centre and the supply of vacant office space in Huddersfield Town Centre. It is also considered that the proposed use could adversely impact the vitality and viability of Huddersfield Town Centre and therefore cannot be supported unless adequate justification is provided by the applicant.