

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:	2024/62/91169/W
Site Address:	former House of Fraser, Kingsgate Centre, King Street, Huddersfield, HD1 2QB
Description:	Alterations to existing building facade, removing existing glazed shopfronts and replacement with new shopfronts and entrances
Recommending Officer:	Joanna Rednall

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.

John Holmes

AUTHORISED OFFICER

Date: 25th July 2024

Officer Report – 2024/91169

Site Description

The proposed application relates to the former House of Fraser site which is part of the Kingsgate Shopping Centre. The section of the building this application relates to fronts onto Zetland Street, an adopted highway. The site is located within Huddersfield Town Centre.

The site is adjacent to the Huddersfield Town Centre Conservation Area.

Description of Proposal

The applicant is seeking permission for alterations to the existing building facade, removing existing glazed shopfronts and replacement with new shopfronts and entrances.

It is proposed that to the front / west facing elevation of the building, the existing doors would be replaced with fully glazed, PPC aluminum frame doors to match the existing. The fenestration details would result in clear glass CW units to sections of the ground floor to match the existing glazing.

Bollards are proposed along the pavement approximately 1.2 meters apart. These would be finished in black.

This application seeks permission for operational development to the frontage of the building and is not seeking consent in relation to the use of the building.

Relevant Planning History

The most relevant planning history relates to the development of the site for a mixed use, dating back to the 1990s.

History of negotiations

Following an informal consultation with KC Highways DM, discussions have taken place with the applicant regarding the spacing of the bollards. Revised plans were submitted to address these comments.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised by neighbor notification, site notice. The expiry date of the publicity period was the 6th June 2024.

No representations were made as a result of the publicity.

Consultation Responses

KC Highways (informal) – Initial concerns were raised regarding the spacing of the bollards and its impact on the site's accessibility. Revised plans were submitted to address these comments that have been used in the determination of this application.

Allocation and Policy

The site is allocated within Huddersfield Town Centre, a primary shopping area and Conservation Area within the Kirklees Local Plan (adopted 2019).

The site is also located within an air quality management area, area identified by the coal authority as having a high risk of ground movement as a result of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 14 – Shopping frontages Within Kirklees
- LP 17 – Huddersfield town centre
- LP 21 – Highway and Access
- LP 24 – Design
- LP 35 – Historic Environment

National Policies and Guidance

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

- Chapter2 Achieving sustainable development
- Chapter7 Ensuring the vitality of town centres
- Chapter12 Achieving well-designed & beautiful places
- Chapter16 Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).

The Planning and Compulsory Purchase Act 2004.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters – e.g. trees/ecology (e.g. bats)
5. Representations
6. Conclusion

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

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

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Policy LP14 (Shopping frontages Within Kirklees) of the Kirklees Local Plan requires that uses within Primary Shopping Areas will be expected to maintain or provide active ground floor uses whereby retail uses within the above areas will be supported.

Policy LP17 (Huddersfield town centre) sets out that Huddersfield Town Centre will be the principal focus for high quality comparison retail goods within the district and details a number of criteria developments in the town centre would be supported where these are met.

The proposal would support the continued retail function of the building and it is considered would have a beneficial impact in terms of ensuring the vitality / viability of the town centre. It is therefore considered that, on the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case

2 – Impact on character and appearance of the area (including impact upon historic environment):

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

The proposal is to remove the existing glazed shopfronts and replacement with new shopfronts and entrances. The proposed door and window openings would be finished in PPC aluminum frame to match the existing features on the building. The development would be clearly visible and prominent from public vantage points along Zetland Street, with the building set prominently within the street scene. The replacement glazed shopfronts proposed in this application would see the retention of a cohesive appearance through the use of similar materials and similar design to the existing building façade.

Bollards are proposed along the west-facing elevation of the pavement and finished in black to match the existing. Initial concerns were raised by KC Highways with regards to the spacing of the bollards and the potential impact on accessibility to and from the public highway. The applicant successfully amended the plans by increasing the spacing to 1.2 meters in response to these comments. The site faces an adopted highway, and as such bollards are a common feature within the street scene and these additions would contribute towards creating an active ground floor usage within a Primary Shopping Area. The bollards are proposed to be finished in black, and it is therefore considered to be reasonable and appropriate to impose a condition to ensure that the color is secured by a condition.

Historic Environment

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 205 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

The site is adjacent to the Huddersfield Town Centre Conservation Area and is not a listed building. However, the frontage that this application relates to is opposite 50 King Street, a grade II Listed Building. It is considered that the modest scale of the proposal would have an acceptable impact upon the Conservation Area and in this regard the proposal would not lead to harm to an identified heritage asset. It is considered the impact upon the setting of the conservation area and listed building would not be significant given the context of the wider development of the site.

Subject to conditions it is therefore considered that the proposed alterations to the building would comply with policies LP14, LP17, LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

It has been assessed that there will be no undue impacts upon residential amenity as part of this application, as the nearest buildings to the application site are for commercial use.

Therefore, it is considered that the proposed works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighboring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, as well as policies within chapter 12 of the National Planning Policy Framework

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

KC Highways DM have been informally consulted as part of this application. They raised concerns initially regarding the spacing between the proposed bollards to ensure the shopfront was accessible. The applicant successfully amended the plans to reflect these comments.

Therefore, it is considered that the proposal is acceptable and would comply with KDP 15 of the SPD, Policy LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5. Other Matters

Land stability

Policy LP53 of the Kirklees Local Plan and paragraphs 180 and 189 of the National Planning Policy Framework are relevant which seek to ensure that a

site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Coal Authority. Whilst falling within a high risk area the Coal Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework.

Climate change

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

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

7. Representations

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.

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

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2024/91169

Officer Recommendation: Approve

Conditions

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

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

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, LP21, LP22, LP24, LP30, LP35 and LP53 of the Kirklees Local Plan and to accord with Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework.

2. The bollards hereby approved shall be finished in black color and shall thereafter be retained with this colour finish for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policies LP11 & LP24 of the Kirklees Local Plan, Principle 13 of the Councils adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			24/04/2024
Location Plan	(PL7) 001		24/04/2024
EXISTING & PROPOSED ELEVATION	(PL2) 001	D	17/07/2024

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 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.

Following an informal consultation with KC Highways DM, discussions have taken place with the applicant regarding the spacing of the bollards. Revised plans were submitted to address these comments that have been used in the determination of this application.

Report Dated: 23/07/2024

High coal