

**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:	2024/62/92855/W
Site Address:	St Patricks Centre, 2, Trinity Street, Huddersfield, HD1 4DA
Description:	Change of use from mixed use community hall, dance studio and residential flat to place of worship (F1) with associated alterations, refurbishment works and retention of residential flat (C3) (within a Conservation Area)
Recommending Officer:	Katie Chew

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 12-DEC-2024

Officer Report

Site Description

St Patricks Centre, 2, Trinity Street, Huddersfield, HD1 4DA

The application site relates to a prominent 4 storey stone-built building located on the corner of Trinity Street and New North Road. The building was previously used as a community hall, dance studio with a residential flat however, the site is currently vacant and has been since 2nd October 2023.

To the north of the site is New North Parade Car Park, with commercial buildings located further to the north. New North Road Baptist Church is located directly to the west, with a mix of residential and commercial properties to the south and east. Railway lines are also located to the east of the site.

The site is located within a Conservation Area with heritage assets close by however they do not have a direct relationship/impact on the site.

Description of Proposal

The application seeks planning permission for the change of use from mixed use community hall, dance studio and residential flat to place of worship (F1) with associated alterations, refurbishment works and retention of residential flat (C3) (within a Conservation Area).

The proposals comprise of several external and internal alterations which include, but are not limited to:

- Infilling of the existing columns within the ground floor external entrance.
- Creation of a new main ramped entrance on the Trinity Street elevation of the property. With the introduction of glazing and forest green aluminium cladding.
- Reorganisation of plant equipment and bin storage to the western side of the building, with the provision of a new fenced enclosure and demolition of deteriorating garage to the rear.
- Modifications to several windows to increase their size, replacing existing windows and new additional windows with dark grey PPC aluminium windows.
- Infilling of windows no longer required.
- Alterations to the internal layout of the building to facilitate the proposed change of use.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

There is no relevant planning history at the application site however, there is relevant history at an adjacent site. This is detailed below.

New North Road Baptist Church

2009/92707 – Erection of extension to church (within a Conservation Area). Approved 23rd December 2009.

2008/94394 – External alterations to demolish part of wall and build up two openings (within a Conservation Area). Approved 12th February 2009.

Representations

Final publicity date expires:

Press Notice – Expired 22nd November 2024.

Site Notice – Expired 7th November 2024.

Neighbour Letters – Expired 13th November 2024.

1 representation in support of the proposal has been received; comments are summarised below.

- Pleased that a new use has been found for the building.
- Supports the change of use and the proposed new entrance design, which though in bright colours, does not detrimentally affect the building facades of York stone.
- It appears signage is being renewed but is no larger than that already affixed to the building.
- Support the proposed work to repair and improve the appearance of existing windows which are currently a mix of timber and uPVC windows in varying styles and colours which detract from the overall aesthetic of the building, giving it an unsightly, disjointed appearance.

Officer note: The application has been advertised by site notice and press notice in line with legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the application being located within Huddersfield Town Centre Conservation Area.

Consultation Responses

KC Highways Development Management (informal) – Comments received 4th December 2024. No objections.

KC Environmental Health – Comments received 25th October 2024. No objections subject to conditions and informatives relating to air quality, land contamination and food safety.

KC Conservation & Design (informal) – Comments received 5th December 2024. No objections subject to the forest green aluminium cladding to the main entrance of the building being replaced with a more neutral colour, in the interests of conserving the character and appearance of the Conservation Area.

Parish/Town Council

N/A.

Local Ward Members

None.

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 Conservation Area, High Coal Risk Area, an Air Quality Management Area, and is within the Huddersfield Town Centre boundary.

Officer note: Whilst it is acknowledged that the application site is located within a High Coal Risk Area, given the nature of the development whereby the proposals include a change of use where no buildings or structures are proposed and groundworks are to be minimal, the proposals are considered to be exempt from requiring a Coal Mining Risk Assessment to be submitted under Part B, as outlined on the Gov.uk website.

Kirklees Local Plan (LP):

- **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
- **LP13** – Town Centre Uses
- **LP15** – Residential Use in Town Centres
- **LP17** – Huddersfield Town Centre
- **LP20** – Sustainable Travel
- **LP21** – Highway Safety and Access

- **LP22** – Parking
- **LP24** – Design
- **LP26** – Renewable Energy
- **LP30** – Biodiversity and Geodiversity
- **LP35** – Historic Environment
- **LP48** – Community Facilities and Services
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality

Other Guidance Documents:

- Kirklees Highway Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Management Design Guide for New Developments (2020)

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 healthy and safe communities
- **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

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Impact on visual amenity and heritage assets
- 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

NPPF Paragraph 11 and Policy LP1 of the KLP 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 of the NPPF 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.

1.2 – Community Use

Policy LP7 of the Kirklees Local Plan requires developments to encourage the reuse or adaptation of vacant or underused properties.

Policy LP48 of the Kirklees Local Plan details that community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This policy details that such facilities will normally be in town, district or local centres.

The use of the building subject of this application has previously been in use as a community hall, dance studio with a residential flat and is currently vacant. Therefore, the use of this building is considered to accord with Policy LP7 of the Kirklees Local Plan, reusing and adapting a vacant building to bring it back into use. Given the previous use of this building, it is not considered that the use of the building as sought, would have a significantly different character to this.

Further to this, the site is located within a highly sustainable location, within Huddersfield Town Centre, in close proximity to both the bus station and railway station.

It is considered the development provides a community use in an accessible location and, subject to being considered acceptable with regard to other considerations addressed within the below sections of this report, is concluded to be acceptable in principle.

1.3 – Residential Development

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.

In this instance no additional residential dwellings are proposed at the site, the proposals seek to simply retain the existing residential dwelling located on the third floor of the building. This is deemed to be acceptable given the nature of the site and proposals sought.

1.4 – Town Centre

The application site is located within Huddersfield Town Centre and therefore LP17 of the Kirklees Local Plan is applicable. This policy seeks to ensure that Huddersfield Town Centre is 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 centres uses. Huddersfield town centre will also provide high quality educational facilities and opportunities for town centre living.

The proposals seek to bring back into use a currently vacant building located within a prominent location within the town centre. The proposals will provide

an F1 use (place of worship) in replacement of the buildings former use as a mixed-use community hall and dance studio. The proposals will see a more active frontage provided along Trinity Street. In addition to this, the proposals will retain an existing residential flat on the third floor of the building, this flat is to be used by a member of the charity who would have a designated role in serving the charitable aims for the building. The proposals are considered to accord with LP17 of the Kirklees Local Plan.

LP15 of the Kirklees Local Plan is also relevant as it relates to residential uses in the town centre. Noting 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 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 this instance, the application site is not located within a primary shopping area and does not comprise of a primary or secondary shopping frontage, the residential flat is on the third floor of the building and therefore does not prejudice existing established uses. No changes are proposed to the external elevations of the flat and the residential amenity of such future occupiers has been assessed within the residential amenity section of this report and

deemed to be acceptable. Details in respect of parking/sustainable transport are discussed in more detail within the highway safety section of this report. Furthermore, affordable housing is not required on this occasion as affordable housing is only applicable on sites with more than 10 dwellings under Policy LP11. The proposals are therefore considered to accord with all criteria of LP15.

2 – Impact on Visual Amenity and Heritage Assets

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.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the 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 outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

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”.

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built

environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change’.

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 the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”.

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.

Residential dwelling

Principle 2 of the 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.

Regarding the layout and siting of the proposed dwelling, Principle 5 of the Housebuilders Design Guide SPD 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 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types. Principle 14 goes on to say that the design of windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

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'.

In this instance, no changes are proposed to the existing dwellinghouse externally and therefore the proposals are considered to accord with all of the above principles.

Place of Worship

The application site relates to St Patricks Centre, which is located within the Huddersfield Town Centre Conservation Area. The application proposes a change of use from mixed use community hall, dance studio and residential flat to place of worship (F1) with associated alterations, refurbishment works and retention of residential flat (C3).

In terms of the proposed place of worship, alterations include:

- Infilling of the existing columns within the ground floor external entrance.
- Creation of a new main ramped entrance on the Trinity Street elevation of the property. With the introduction of glazing and forest green aluminium cladding.
- Reorganisation of plant equipment and bin storage to the western side of the building, with the provision of a new fenced enclosure and demolition of deteriorating garage to the rear.
- Modifications to several windows to increase their size, replacing existing windows and new additional windows with dark grey PPC aluminium windows.
- Infilling of windows no longer required.
- Alterations to the internal layout of the building to facilitate the proposed change of use.

Informal consultation has been undertaken with the Council's Conservation & Design Officer who has no objections to the proposals but did request that the forest green aluminium cladding to the main entrance of the building be replaced with a more neutral colour, in the interests of conserving the character and appearance of the Conservation Area. Whilst this is acknowledged, when looking at the immediate area, and context of the site, Officers note that it is not entirely alien in this location to find colours on the brighter side of the spectrum. Directly opposite the host building on Trinity Street, shop fronts comprising of red and green are visible. The proposed location of the cladding is also stepped back and at an angle to Trinity Street and is of a small scale. Furthermore, the applicant has noted that the proposed colour is consistent with the churches overall branding and is included on their website and all of the communication and marketing

information. As a consequence, the Church would like to retain the proposed colour as it is representative of their identity. Officers deem this to be acceptable, subject to a condition which restricts the colour to a Forest Green colour finish to match either RAL 6037 or RAL 6038. This is considered sufficient to preserve and enhance the setting of the Conservation Area.

In terms of the external changes proposed to the windows and doors, and the infilling of the existing columns at the ground floor entrance, all of these changes are welcomed as the existing windows are in need of repair/replacement and will bring the building up to modern standards for safety, accessibility, sustainability and functionality. The use of dark grey aluminium is also welcomed and considered to be sympathetic to the area. Furthermore, the proposed ramped entrance along Trinity Street will provide an accessible route into the building, and will be finished in lightweight and modern materials which are considered to compliment the other changes proposed within the building. This element of the scheme is therefore considered to be acceptable.

Finally, the relocation of the plant equipment and bin storage to the western side of the building is welcomed, as it will tidy up the appearance of the building to the rear. The provision of a new fenced enclosure and demolition of deteriorating garage to the rear will also be an enhancement and increase the safety of these areas.

To conclude, the proposals are considered to accord with Local Plan Policies LP24 and LP35, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD subject to inclusion of the recommended condition.

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’.

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.

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 users.

The nearest residential properties to be impacted by the proposals are nos. 1, 3A & 5A Trinity Street, located to the south of the site, approximately 23m away. Given the separation distance and nature of the proposals, which relate to a simple change of use with some external and internal alterations, Officers

have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing in nature.

Amenity of future occupiers of dwelling

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

It is acknowledged that the property contains an existing residential flat on the third floor of the building. This dwelling comprises of 3 bedrooms, bathroom, kitchen and lounge area. Internally the dwelling is approximately 63.5sqm in size, with each habitable room having access to at least 1 window.

Whilst Officers acknowledge that the existing residential dwelling would fall short of the nationally described space standards in respect of the size of the dwelling internally, as this flat already exists as a residential property and will be retained as an ancillary use to the host building, and will be conditioned as such, it is considered acceptable on this occasion.

In terms of amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character / context of the site is provided. In this instance the residential flat is located on the third floor of the building and no formal garden area is provided, although there is some amenity space available on the roof of the building. Given the site's location in close proximity to several areas of Urban Green Space such as Greenhead Park, St. Peters Church and playing fields/allotments and Newtown, it is considered that future occupiers will not be significantly adversely impacted. Officers therefore consider that on balance, the proposals accord with Principle 17 of the above SPD.

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.

In respect to potential impact arising from noise, the Council's Environmental Health team were consulted on the proposals and raised no concerns in

respect of noise pollution. The proposals are therefore considered to accord with Chapter 15 of the NPPF and LP52 of the Kirklees Local Plan.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the 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 on 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 application relates to the change of use from mixed use community hall, dance studio and residential flat to place of worship (F1) with associated alterations, refurbishment works and retention of residential flat (C3). Given the nature of the proposals the Council's Highways Officers were consulted. Whilst it is noted that no dedicated off-street parking is proposed, due to the sites highly sustainable location within Huddersfield Town Centre, adjacent to both Huddersfield bus station and railway station, and several public car parks, this is not of concern. It is also important to note that both Trinity Street and New North Parade also comprise of double yellow lines and parking restrictions and therefore off-spill parking should not be an issue in this location. Waste storage is shown to be provided to the side of the building, and it is considered reasonable to assume that waste collection shall operate in a similar nature to previous.

For the reasons outlined above, it is concluded that the scheme would on balance, not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

Land Contamination

With regard to land quality, Chapter 15 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan are relevant and seek to ensure land quality is maintained as part of new development.

The site of the proposed development is shown to be adjacent to an electric substation and the railway station/historic coal depot. Whilst groundworks do not appear to be proposed, there may be some minor works and therefore the Council's Environmental Health team recommend a condition in relation to unexpected contamination. This is considered to be sufficient mitigation against land contamination and therefore accords with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Air Quality

Local Plan Policy LP51 relates to the protection and improvement of local air quality. As the proposed development is situated within an Air Quality Management Area this policy is deemed to be relevant.

LP51 goes on to say at criterion 3 that:

"Where development introduces new receptors into Air Quality Management Areas...the development must incorporate sustainable mitigation measures that protect the new receptors from unacceptable levels of air pollution. where sustainable mitigation measures cannot be introduced which prevent receptors from being exposed to unsafe levels of air pollution, development will not be permitted".

This view is supported by paragraph 192 of Chapter 15 of the NPPF.

The Council's Environmental Health (ENVH) Officers have been consulted on the proposals and note that it is possible that the proposals will introduce sensitive receptors into an area of known poor air quality. The West Yorkshire Low Emissions Strategy (WYLES) -Technical Planning Guidance, divides applications into 3 impact types (Minor, Medium and Major) using specific criteria to determine the type. Actions and mitigation requirements are dependent on the development use class and which impact type it is classified as. ENVH Officers consider that the application will likely to be classified at least as a medium development and therefore in the first instance they would expect an Air Quality Screening Assessment to be submitted. If the screening assessment demonstrates a significant impact on air quality, they would then expect a full detailed Air Quality Impact Assessment to be submitted. In the event that planning permission is approved, it is recommended that this be secured via a condition.

Biodiversity

Chapter 15 of the National Planning Policy Framework is relevant, together with the Conservation of Habitats and Species Regulations 2017 which

protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

Within the submitted application forms the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) conditions as the development is subject to the de minimis exemption (development below the threshold) as it relates to the conversion of an existing building.

Taking the above into consideration, Officers agree with this conclusion and that the development would not impact upon a priority habitat and impacts less than 25sqm of non-priority onsite habitat or 5m for non-priority onsite linear habitats as the site already comprises of a large building which is to be converted. The proposals are therefore considered to be exempt on this occasion and therefore the proposals do not need to provide details in respect of a biodiversity metric.

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.

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 new doors, windows and walls will be to minimum regulation standards for thermal elements as required by cost constraints. The applicant will also aim to utilise materials with significant recycled content, and which are locally sourced as far as is possible. In addition to this, updated and energy efficient heating systems are to be installed in place of the existing aged and inefficient systems. Air pollution is also to be slightly improved by the introduction of some planting to the external space on the west side of the building.

Given the nature of the proposals and the details provided 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. The proposals are therefore considered to accord with LP26 of the Kirklees Local Plan 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 constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2024/92855

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.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, to accord with Policies LP1, LP2, LP3, LP7, LP11, LP13, LP15, LP17, LP20, LP21, LP22, LP24, LP26, LP30, LP35, LP48, LP51 and LP52 of the Kirklees Local Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD and Chapters 2, 4, 5, 7, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

2. Prior to the development being brought into use, an Air Quality Screening 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 any necessary mitigation measures that will be provided to address any such adverse impact. The approved mitigation measures shall be implemented within 3 months from the date of approval and retained thereafter.

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

3. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

4. Aluminium cladding hereby approved on the external walls to the Trinity Street entrance, identified as 'Q' on drawing nos. 03_01 R04 'Proposed Elevations', and 03_02 R01 'Proposed Elevations SHT 02', shall be of a Forest Green colour finish to match either RAL 6037 or RAL 6038. The colour finish of this cladding shall be thereafter retained.

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

5. The residential third floor flat shall not be occupied at any time other than for purposes ancillary to the host building known as no. 2, Trinity Street, Huddersfield, HD1 4DA It shall not be sold or let independently to no. 2, Trinity Street, Huddersfield, HD1 4DA

Reason: To ensure that the residential flat is used solely as ancillary accommodation to the host building in the interests of the residential amenity of future occupiers in accordance with Policy LP24 of the Kirklees Local Plan, Principle 16 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: From the plans submitted it would appear a small kitchen is proposed. It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan.	00_04	-	7 th October 2024
Existing Plans SHT 01.	00_01 R03	-	7 th October 2024

Existing Elevations.	00_03 R01	-	7 th October 2024
Proposed Elevations.	03_01 R04	-	7 th October 2024
Proposed Elevations SHT 02.	03_02 R01	-	7 th October 2024
Proposed Plans SHT 01 (with Demo).	02_01 R06	-	7 th October 2024
Proposed Plans SHT 02 (with Demo).	02_02 R05	-	7 th October 2024
Proposed Plans SHT 03.	02_03 R06	-	7 th October 2024
Proposed Plans SHT 04.	02_04 R04	-	7 th October 2024
Proposed Sections.	04_01 R01	-	7 th October 2024
Preliminary Roost Assessment – Supporting Information	ER-7985-01	-	7 th October 2024
Design and Access Statement – Supporting Information	1823	A	10 th December 2024
Church Facility and Operational Activity Detail – Supporting Information	-	-	7 th October 2024
Climate Change Statement – Supporting Information	-	-	9 th October 2024
HCH Notice – Supporting Information	-	-	7 th October 2024
Trinity Street Flood Map 10000	-	-	7 th October 2024
Trinity Street Flood Map 2500	-	-	7 th October 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as the proposals are deemed to be acceptable upon submission.

Report Dated:

10th December 2024.