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**Service Director – Legal, Governance and
Commissioning**

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Wednesday 31 May 2023

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Meeting Room 3 - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 8 June 2023**.

(A coach will depart the Town Hall, at 10:30 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in meeting room 3 Town Hall Huddersfield.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in blue ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Moses Crook
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Bill Armer
Councillor Mark Thompson
Councillor Andrew Pinnock

When a Member of the Strategic Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

D Bellamy
D Hall
A Gregg
R Smith
J Taylor

Green

K Allison
A Cooper
S Lee-Richards

Independent

Labour

B Addy
A Anwar
P Moore
E Firth
T Hawkins

Liberal Democrat

PA Davies
J Lawson
A Munro
A Marchington
A Smith

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 10

To approve the Minutes of the meetings of the Committee held on the 11 May 2023 and the 24 May 2023.

3: Declaration of Interests and Lobbying

11 - 12

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted at least three clear working days in advance of the meeting.

6: Deputations/Petitions

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Site Visit- Application No: 2023/90024

Partial demolition of Listed Building to facilitate refurbishment and extension of the George Hotel to form 90+ room C1 hotel with associated ancillary uses (including bar, restaurant, gym, conference room) (within a Conservation Area) George Hotel, St George's Square, Huddersfield.

(Estimated time of arrival at site 10:35 am)

Contact: Callum Harrison, Planning Services.

Ward(s) affected: Newsome.

8: Site Visit - Application No: 2022/92097

Erection of two storey extension and alterations The Veterinary Hospital, 131, Somerset Road, Almondbury, Huddersfield.

(Estimated time of arrival at site 11:10 am)

Contact: John Holmes, Planning Services.

Ward(s) affected: Almondbury and Newsome.

9: Site Visit- Application No: 2022/91789

Erection of 4 industrial units for E(g)(iii) (light industry) use with associated parking and turning facilities with 10 storage units (within a Conservation Area) Land south of railway line, Scar Lane, Milnsbridge, Huddersfield.

(Estimated time of arrival at site 11:40 am)

Contact: Katie Chew, Planning Services.

Ward(s) affected: Golcar.

10: Planning Applications

13 - 14

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 5 June 2023.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne or Andrea Woodside on 01484 221000 (Extension 74995).

Please note that in accordance with the council's public speaking protocols at planning committee meetings verbal representations will be limited to three minutes.

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

11: Planning Application - Application No: 2023/90024

15 - 54

Partial demolition of Listed Building to facilitate refurbishment and extension of the George Hotel to form 90+ room C1 hotel with associated ancillary uses (including bar, restaurant, gym, conference room) (within a Conservation Area) George Hotel, St George's Square, Huddersfield.

Contact: Callum Harrison, Planning Services.

Ward(s) affected: Newsome.

12: Planning Application - Application No: 2022/91789

55 - 76

Erection of 4 industrial units for E(g)(iii) (light industry) use with associated parking and turning facilities with 10 storage units (within a Conservation Area) Land south of railway line, Scar Lane, Milnsbridge, Huddersfield.

Contact: Katie Chew, Planning Services.

Ward(s) affected: Golcar.

13: Planning Application - Application No: 2023/90853 77 - 88

Erection of catering pod North Huddersfield Trust School,
Woodhouse Hall Road, Fartown, Huddersfield.

Contact: Katie Chew, Planning Services.

Ward(s) affected: Ashbrow.

14: Planning Application - Application No: 2022/92097 89 - 102

Erection of two storey extension and alterations The Veterinary
Hospital, 131, Somerset Road, Almondbury, Huddersfield.

Contact: John Holmes, Planning Services.

Ward(s) affected: Almondbury and Newsome.

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 11th May 2023

Present:

Councillor Paul Davies
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Bill Armer
Councillor Mark Thompson
Councillor Andrew Pinnock
Councillor Eric Firth

Apologies: Councillor Steve Hall (Chair)

1 Membership of the Committee

Apologies were received from Councillor Steve Hall.

Councillor Eric Firth Substituted for Councillor Steve Hall.

In the absence of Councillor Steve Hall Councillor Carole Pattison was elected to chair the meeting.

2 Minutes of the Previous Meeting

The minutes of the meetings held on the 15 March 2023 and 6 April 2023 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors A Pinnock, Armer and Pattison declared that they had been lobbied on application 2021/93006.

It was noted that Cllr Armer declared that he had attended community meetings relating to application 2021/93006 but had only provided advice on procedural matters.

Councillors A Pinnock and Armer declared that they had been lobbied on applications 2021/94061 and 2021/94208.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No Deputations or petitions were received.

Strategic Planning Committee - 11 May 2023

7 Site Visit - Application No: 2021/93006

Site visit undertaken.

8 Site Visit - Application No: 2021/94061

Site visit undertaken.

9 Site Visit - Application No: 2021/94208

Site visit undertaken.

10 Planning Applications

The following applications were considered.

11 Planning Application - Application No: 2021/93006

The Committee gave consideration to Planning Application 2021/93006 Conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area) Yew Tree Farm, The Village, Farnley Tyas, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Richard Wood, Keith Bellwood and Malcolm Sizer (objectors), and Michael Powell (on behalf of the applicant).

RESOLVED –

1) That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to:

a) complete the list of conditions, including those contained within the report, as set out below:

1. TCPA Standard 3 Year Time Limit for Commencement.
2. Development in Accordance with Approved Document List.
3. Phase II Intrusive Site Investigation Report.
4. Remediation Strategy.
5. Implementation of Remediation Strategy.
6. Verification Report.
7. Submission of a Construction Environmental Management Plan.
8. Noise Report.
9. Electric Vehicle Charging Points.
10. Detailed Design Scheme detailing Foul Surface Water and Land Drainage.
11. Assessment of the Effects of 1 in 100 Year Storm Events.
12. Temporary Surface Water Drainage.
13. Site shall be developed with separate systems of drainage for foul and surface water on and off site.
14. No piped discharge of surface water from the development should be undertaken prior to the completion of surface water drainage works.
15. Arboricultural Method Statement.
16. Drainage and Surfacing of car parking spaces.
17. Installation of 11 bat boxes to provide a biodiversity net gain.

Strategic Planning Committee - 11 May 2023

18. Removal of Permitted Development Rights for extensions, outbuildings, alterations to the roof and boundary treatments.
19. Restrict Access to the south of the site (off of Farnley Road).
20. The existing farmhouse should be recorded prior to demolition to enable external detailing of the new 'replica' dwelling (plot 15).
21. Details and design of the garage door for the new 'replica' dwelling (plot 15) shall be submitted for approval and should be in timber.
22. The demolition of the farmhouse must not be allowed to proceed unless the larger development goes ahead.
23. Reclaimed natural stone slate roofing in diminishing courses must be specified, with a sample submitted for approval – farmhouse (plot 15).
24. Existing stone taken from the farmhouse shall be reclaimed and re-used where possible. Any replacement stone must match the existing in terms of stone type, tooling, coursing etc. with sample panels provided to show coursing and points, and ashlar stone samples submitted for approval. Tumbled and dyed stone will not be permitted.
25. External material samples for all new build dwellings are to be submitted for approval, including roof slates and ashlar stonework, with sample panel of external walling including pointing and mortar colour. Pitched faced or tooled stone shall be specified rather than tumbled and dyed stone.
26. Window and door details for all new builds shall be submitted for approval (scale 1:5 sections and 1:20 elevations).
27. Landscaping details shall be provided to the Council prior to their use on site, these details should include surface treatments.
28. Implementation of a programme archaeological and architectural recording, in accordance with a written scheme of investigation prior to works commencing on site.
29. Further details of the proposed hard and soft landscaping throughout the site shall be provided prior to occupation of the dwellinghouses. Most specifically details shall be provided in respect of the car parking area to the north of the site.
30. Obscurely glazed windows in the interests of residential amenity – Plot 4 first floor en-suite, Plot 12 first floor en-suite to rear, Plot 11 first floor en1suites and bathroom to the front.
31. Remove permitted development rights for the conversions of garages to additional residential accommodation.
32. Maintenance of all planted materials for five years.
33. Details of boundary treatments shall be submitted to the LPA for approval prior to their installation – most specifically relating to the stone wall adjacent to the PROW and timber fencing.
34. Details of temporary arrangements for the management of waste collection points to be submitted and approved by LPA.
35. Phased approach to ensure that all Listed Buildings are repaired/converted before all of the new build dwellings are occupied.

b) secure a Section 106 agreement to cover the following matters

1. Affordable Housing – Two affordable housing units (both to be intermediate/first homes) to be provided in perpetuity.
2. Open Space – £31,289 off-site contribution, and 285sqm on site contribution to the front of the site adjacent to the existing substation.

Strategic Planning Committee - 11 May 2023

3. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

4. Management agreement for the private road.

c) In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as follows:

For: Councillors: Paul Davies, E Firth, Pattison, Sokhal and Thompson (5 votes)

Against: Councillors Armer and A Pinnock (2 votes).

12 **Planning Application - Application No: 2021/94061**

The Committee gave consideration to Planning Application 2021/94061 Reserved matters application pursuant to outline permission 2022/91849 for variation condition 21 (highways and occupation) on previous permission 2021/94060 for variation condition 32 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) to include the discharge of conditions 17 (site investigations), 29 (Noise attenuation) and 31 (electric vehicle charging points) Former North Bierley Waste Water Treatment Works, Oakenshaw.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Charlie Brown (Objector) and Andrew Windress (on behalf of the applicant).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report as set out below:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Cycle parking spaces to be provided.
4. Material samples.
5. Landscaping to be implemented prior to occupation, unless other phasing agreed.
6. Landscaping management and maintenance strategy to be provided.

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And discharge of conditions (pursuant to this phase only):

- Condition 6 (BEMP)
- Condition 17 (Coal Legacy)
- Condition 29 (Noise Mitigation)
- Condition 31 (Air Quality)

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as follows:

For: Councillors Paul Davies, E Firth, Pattison and Sokhal (4 votes)

Against: Councillor Thompson (1 vote)

Abstained: Councillors Armer and A Pinnock

13 Planning Application - Application No: 2021/94208

The Committee gave consideration to Planning Application 2021/94208 Outline application for re-development of former waste water treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Charlie Brown, Cllr Matt Edwards (objectors) and Matthew Sheppard (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3) the Committee received a representation from Councillor Kath Pinnock (ward member).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. complete the list of conditions, including those contained within the considered report, as set out below:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Reserved Matters (layout, scale, appearance, landscape) to include updated Sustainability Statement, built upon indicative provisions detailed in outline Sustainability Statement.
4. Building not to exceed 18m in height.
5. Construction Environmental management Plan (CEMP).
6. Noise impact assessment to be provided at RM stage.
7. Control on plant equipment noise level.
8. Development to be done in accordance with dust mitigation measures

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9. Limit on development floor area (max. 12,077m² GFA), with specific restriction on Parcel Distribution/'Last Mile Delivery' use (max. 6,000m² GFA).
 10. Design and the implementation of cycle / footway improvement on Cliff Hollins Lane and Mill Carr Hill Road.
 11. No development to be occupied, prior to completion of the site access and off-site highway improvements Bradford Road (approach to M62 Junction 26 Chain Bar, providing an improved alignment to the junction, changes to signage, and a third lane for direct access to the M606).
 12. Detailed Travel Plan to be submitted / implemented.
 13. Delivery and Servicing Management Plan (DSMP) to be submitted / implemented.
 14. Construction Traffic Management Plan (CTMP) to be submitted / implemented.
 15. Highway condition survey and remediation.
 16. Development be undertaken in accordance with the submitted FRA (and supporting document), specifically that the finished floor levels be set above (92.0mAOD).
 17. Detailed drainage strategy, to include management and maintenance arrangements, to be provided at Reserved Matters stage (layout).
 18. Surface water flood routing strategy to be provided at Reserved Matters stage (layout).
 19. Details of temporary surface water drainage arrangements, during construction (pre-commencement).
 20. Oil separator to be installed within hard surfaced areas / car park (pre commencement).
 21. No development within easement of sewers within the site (unless diversion agreed).
 22. Arrangement for ensuring permanent access to the Moorend Combined Sewer Overflow and the associated syphon sewer.
 23. Foul water arrangement details to be provided.
 24. Details of surface water outfall to be approved.
 25. measures to protect the public sewerage infrastructure that is laid within the site to be provided.
 26. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
 27. EVCP (1 per 10 spaces)
 28. Contaminated Land (Phase 2, Remediation, Validation).
 29. Arboricultural Reports to be provided at Reserved Matters (layout and landscape) stage.
 30. Ecological Design Strategy, to secure 10% net gain based on provided baseline.
 31. No site clearance within bird breeding season (unless survey undertaken).
 32. Lighting Strategy for Ecology.
 33. CEMP: Biodiversity.
 34. Invasive species management plan.
2. Secure a section 106 agreement to cover the following matters:
1. Traffic monitoring and £30,000 (£15,000 x 2) towards potential traffic management schemes at Cliff Hollins Lane and Mill Carr Hill Road
 2. £15,000 for Travel Plan monitoring (£3,000 x 5 years).

Strategic Planning Committee - 11 May 2023

Subject to securing a meaningful increase in contributions towards any potential traffic management schemes at Cliff Hollins Lane and Mill Carr Road.

3. In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as follows:

For: Councillors Paul Davies, E Firth, Pattison and Sokhal (4 votes).

Against: Councillors Armer, A Pinnock and Thompson (3 votes)

14 **Planning Application - Application No: 2022/93932**

The Committee gave consideration to Planning Application 2022/93932 Change of use of Crown House to provide student-only living accommodation (sui generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at groundfloor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop the building Crown House, 12, Southgate, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from David Tye (on behalf of the applicant).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. complete the list of conditions, including those contained within the considered report, as set out below:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Full details of proposed materials (inc. cladding, panels, fenestration) and their colour to be submitted and approved.
4. Landscape strategy to be submitted and approved.
5. Binstore material and colour details.
6. Revised Noise Impact Assessment (to include assessment of master planned University Car Park).
7. Sound Insulation Assessment.
8. Noise Management Plan.
9. Student occupation only.

Strategic Planning Committee - 11 May 2023

10. Student use of gym / café only.
11. Car park management plan.
12. Waste management and maintenance plan.
13. Cycle parking to be provided as detailed.
14. CMP.
15. Protection of nesting birds.
16. Ecological Design Strategy to secure 10% net gain and other ecological mitigation / enhancements.
17. Removal of non-native species.
18. Air Quality Impact Assessment to be undertaken.
19. EVCP to be provided.
20. Crime mitigation measures to be detailed and implemented.

2. Secure a section 106 agreement to cover the following matters:

- a) Open space off-site contribution: £283,173.00 towards enhancement to local Public Open Space.
- b) Metro enhancements: £20,000 towards bus stop improvements.

3. In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as follows:

For: Councillors Armer, Paul Davies, E Firth, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (0 votes).

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 24th May 2023

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Moses Crook
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

1 Admission of the Public

It was noted that all agenda items would be considered in public session.

2 Appointment of Sub-Committees and Appointment of Chairs

RESOLVED –

(1) That the Planning Sub-Committees Heavy Woollen Area and Huddersfield Area be comprised of the Membership as set out at Agenda Item 13 of the Annual Council Agenda.

(2) That Councillor Lowe be appointed as Chair of Planning Sub Committee (Heavy Woollen Area) and (ii) Councillor Ullah be appointed as Chair of Planning Sub Committee (Huddersfield Area), for the 2023/2024 Municipal Year.

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KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 08-Jun-2023

Subject: Planning Application 2023/90024 Partial demolition of Listed Building to facilitate refurbishment and extension of the George Hotel to form 90+ room C1 hotel with associated ancillary uses (including bar, restaurant, gym, conference room) (within a Conservation Area) George Hotel, St George's Square, Huddersfield, HD1 1JA

APPLICANT

Sarah Collins, Kirklees
Council, Growth &
Regeneration

DATE VALID

16-Jan-2023

TARGET DATE

17-Apr-2023

EXTENSION EXPIRY DATE

16-Jun-2023

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted:

Public or private: Public

RECOMMENDATION: DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure an agreement to cover the following matters:

Sustainable Transport- A financial contribution of £10,000 would also be required for Travel Plan assessment and monitoring for five years.

In the circumstances where the requisite agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

1.0 INTRODUCTION

- 1.1 This application is a Regulation 3 (of The Town and Country Planning General Regulations 1992) application. Regulation 3 applications concern Local Authorities applying to themselves, as the Local Planning Authority, for planning permission.
- 1.2 The application has been brought before the Strategic Planning Committee as a non-residential development with a site area over 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.
- 1.3 A separate application for Listed Building Consent (2023/90112) for the works proposed to the George Hotel is under consideration. In general, listed building consent is required for all works of demolition, alteration and extension of a listed building that affect its character as a building of special historic architectural or historic interest. Determination of the listed building consent application is delegated under the council's scheme of delegation. If the committee are minded to support the approval of this planning application, the listed building consent would be granted at the same time as the planning permission.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is formed of the existing historic George Hotel building and a small area of incidental landscaping to the north, and measures c. 0.5 hectares in area.

- 2.2 The hotel has occupied the site in various forms since the mid-19th Century. The hotel has undergone several renovations during its lifetime, with additional wings added in the 1870s and 1930s, and additional storeys added in the 1960s. The existing building forms a roughly triangular shape, with a central external courtyard area. The George Hotel has played a significant role in the history of Huddersfield and the birth of Rugby League in 1895 and has more recently been the home of the National Rugby League Museum. Given its heritage, the hotel is considered to be of significant local and international importance. The George Hotel was last used as a C1-use hotel in 2013, after which it fell into its current state of disrepair.
- 2.3 The site lies in a very prominent position in Huddersfield Town Centre at the corner of John William Street and Railway Street. The site lies c. 30m to the east of Huddersfield Railway Station and the Kings Head public house. To the immediate north of the site lies the existing railway station car park. To the south, the site fronts onto the St George's Square area of public realm which is occasionally used as a social and events space. There are a number of trees in within the public realm which are considered to be of good amenity value, as they add to the character of the area surrounding the site.
- 2.4 The George Hotel is constructed from ashlar sandstone with rusticated stone at the ground floor level, heavy quoins and a deep cornice at the roof level with fine detailing. The main building which faces St George's Square is four storeys high with attic rooms set within a slate mansard roof. The three-storey wing facing the John William Street elevation is simpler in design, although it follows a similar theme to the main façade. The northwest-facing wing (facing the railway station) is a later addition constructed in coursed hammer dressed stonework with top-hung casement windows, a flat roof, and a tall stone chimney. Within the building is a small inner courtyard.
- 2.5 The George Hotel is a Grade II* listed building and is within the vicinity and setting of other designated heritage assets, including:
- Grade I listed Huddersfield Railway Station (c. 30m west)
 - Grade II* listed Britannia Buildings (c. 45m south)
 - Grade II* listed 7 St Georges Square (c. 70m south)
 - Grade II* listed Lion Building (c. 37m southeast)
 - Grade II listed railings to Station Yard (immediately west of the site)
 - Grade II listed 64 and 66 John William Street (c. 20m east)
 - Grade II listed 68 John William Street (c. 20m east)
 - Grade II listed 70-78 John William Street (c. 20m east)
 - Grade II listed 1 and 3 Northumberland Street (c. 20m east)
 - Grade II listed former Empire Cinema (c. 40m northeast)
- 2.6 There are a number of other listed heritage assets within the vicinity of the site, but these are further afield and are considered to be shielded from the site by other existing buildings.
- 2.7 The site also lies in the Huddersfield Town Centre Conservation Area.

3.0 THE PROPOSAL

- 3.1 The applicant is seeking full planning permission for the *'partial demolition of a Listed Building to facilitate refurbishment and extension of the George Hotel to form a 90+ room C1 hotel with associated ancillary uses (including bar, restaurant, gym, conference room) (within a Conservation Area)'*.
- 3.2 The proposal can be broken down into three main elements:
- Retention and internal refurbishment of the main historic building fronting Railway Street and St Georges Square (Block A);
 - Demolition of the newest part of the hotel facing the railway station and its replacement with a new building extension (Block B); and,
 - Demolition and replacement of most of the structure of the historic extension facing John William Street, with the retention of the building's historic façade (Block C).
- 3.3 The proposal would change the existing layout of the building, lower the floorplate of the basement area by c. 1m to achieve requisite ceiling heights, and increase the overall height of the building at the John William Street and western elevations by one storey to achieve the proposed number of rooms, bringing the height of the building to four storeys plus basement. The eastern wing would also be extended to take in the current area of incidental landscaping at the north of the site. The new build areas would include the use of mansard roofs to accommodate the additional rooms on the 4th floor and be of a more modern design than that of the historic hotel façade. The proposal would also make use of additional external signage on certain elevations to advertise its function.
- 3.4 The proposed changes to the existing layout include the provision of:
- 91 ensuite guest bedrooms
 - 100 cover banqueting suite at basement level with serving kitchen
 - Gym/fitness suite at basement level
 - 70-cover restaurant and bar at ground floor level with serving kitchen
 - 30-person conference room at ground floor level
 - 24-person conference room at first floor level
 - Back of house and staff facilities at all levels
 - Sculptured glass canopy covered central atrium
 - Area of green roof (c. 30 sqm)
- 3.5 The proposed development forms Phase 3 of the wider George Hotel renovation scheme following Stage 1 (asbestos removal) and Stage 2 (external conservation works), which is ongoing and forms part of the Huddersfield High Street Heritage Action Zone (HAZ) project.

Supporting Information

3.6 In addition to the submitted plans, the following documents have been submitted in support of this application:

- Application Form
- Cover Letter
- Design and Access Statement
- Heritage Statement
- Planning Policy Statement
- Statement of Community Involvement
- Option Selection Report
- Sustainability Statement
- Ecological Impact Assessment & Biodiversity Net Gain
- Noise Impact Assessment
- Air Quality Assessment
- Supply and Extract Ventilation Statement
- Phase 1 Contaminated Land Desk Study
- Flood Risk Assessment
- Drainage Strategy
- Transport Statement
- Travel Plan
- KC Cabinet Report 11 October 2022
- Listed Building Consent Structural Report
- Listed Building Consent Mechanical, Electrical & Plumbing (MEP) Report

4.0 RELEVANT PLANNING HISTORY

Application: 2023/90112

Description: Listed Building Consent for the partial demolition of a Listed Building to facilitate refurbishment and extension of the George Hotel to form a 90+ room C1 hotel with associated ancillary uses (including bar, restaurant, gym, conference room) (within a Conservation Area)

Decision: Pending Determination

Application: 2021/94596

Description: Listed Building Consent for repair works to the external facade with window replacements and re-roofing [within a Conservation Area]

Decision: Approved 25/05/2022

Application: 2021/93807

Description: Advertisement Consent for erection of non illuminated image attached to scaffolding (Listed Building within a Conservation Area)

Decision: Approved 18/02/2022

Application: 2019/91506
Description: Listed Building consent for Partial change of use of hotel to 50 apart-hotel rooms, A3 (restaurant/cafe/function room), A4 (drinking establishment), D1 (museum), Spa, ancillary storage and associated internal and external works (within a Conservation Area)
Decision: Approved 19/09/2019

Application: 2019/91505
Description: Partial change of use of hotel to 50 apart-hotel rooms, A3 (restaurant/cafe/function room), A4 (drinking establishment), D1 (museum), Spa, ancillary storage and associated internal and external works (within a Conservation Area)
Decision: Approved 19/09/2019

Application: 2014/90693
Description: Listed Building Consent for erection of rooftop coffee shop/diner and balustrade, canopies and internal and external alterations (within a Conservation Area)
Decision: Approved 02/09/2015

Application: 2014/90692
Description: Change of use to mixed use 30 bedroom hotel with function rooms, part of first floor to dental centre and educational facility, basement to spa, formation of 11 apartments on parts of first, second and third floor, erection of rooftop coffee shop/diner with creation of terrace with balustrade, erection of canopies and external alterations (Listed Building within a Conservation Area)
Decision: Approved 02/09/2015

Application: 2012/93694
Description: Listed Building Consent for re-location of plaque (within a Conservation Area)
Decision: Approved 16/01/2013

Application: 2009/92329
Description: Listed Building Consent for installation of façade lighting to front (Within a Conservation Area)
Decision: Approved 20/12/2011

Application: 2009/92328
Description: Installation of façade lighting to front (Listed Building Within a Conservation Area)
Decision: Approved 21/12/2011

Application: 2007/92606
Description: Erection of non illuminated fascia sign (Listed Building within a Conservation Area)
Decision: Refused 02/07/2007

Application: 2007/92248

Description: Listed Building Consent for erection of non-illuminated entrance sign (within a Conservation Area)

Decision: Refused 03/08/2007

Application: 1990/06041

Description: Listed Building Consent for erection of illuminated signs

Decision: Approved 15/01/1991

Application: 1990/06040

Description: Erection of illuminated signs (Listed Building)

Decision: Approved 15/01/1991

Application: 1990/03353

Description: Listed Building Consent for extension and refurbishment

Decision: Approved 11/09/1990

Application: 1990/03306

Description: Erection of extension to hotel to form additional bedrooms and enclosed fire escape (Listed Building)

Decision: Approved 11/09/1990

Application: 1990/04309

Description: Listed Building Consent for internal alterations

Decision: Approved 06/11/1990

Application: 1986/00583

Description: Listed Building Consent for erection of 4 flag poles (Listed Building within Conservation Area)

Decision: Approved 06/06/1986

5.0 HISTORY OF NEGOTIATIONS

5.1 Officers negotiated with the applicant to:

- Amend the description of the proposal to better reflect the proposed development, including partial demolition of the existing building.
- Consider internal and external refuse and waste storage and collection.
- Re-assess the external design and amend the new-build elevations to be sensitive to the historic host building.
- Provide additional detailed assessment of the historic fabric and structures to be removed from the site.
- Provide viability information to justify the proposed quantum of C1-use hotel rooms.
- Provide viability information to justify the loss of the building's historic fabric on the scale proposed to facilitate a 91 room C1-use hotel.
- Undertake additional modelling/justification for the loss of historic floorplates from Block A.
- Consider the provision of cycle storage associated with the proposal.
- Alterations/retention of internal floor plates at 1st and 2nd floor.

6.0 PLANNING LEGISLATION AND POLICY

- 6.1 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 Kirklees Local Plan. The Kirklees Local Plan was adopted on 27 February 2019 and comprises the strategy and policies document, allocations and designations document and associated proposals map.
- 6.2 The following legislation, policies, and guidance are considered relevant to the determination of this application:

Kirklees Local Plan (February 2019)

- Policy LP1 – Presumption in favour of sustainable development
- Policy LP2 – Place Shaping
- Policy LP3 – Location of new development
- Policy LP7 – Efficient and effective use of land and buildings
- Policy LP9 – Supporting skilled and flexible communities and workforce
- Policy LP13 – Town centre uses
- Policy LP16 – Food and drink uses and the evening economy
- Policy LP17 – Huddersfield Town Centre
- Policy LP20 – Sustainable travel
- Policy LP21 – Highways and access
- Policy LP22 – Parking
- Policy LP24 – Design
- Policy LP25 – Advertisements and shop fronts
- Policy LP27 – Flood risk
- Policy LP28 – Drainage
- Policy LP30 – Biodiversity & Geodiversity
- Policy LP32 – Landscape
- Policy LP33 – Trees
- Policy LP35 – Historic environment
- Policy LP48 – Community facilities and services
- Policy LP51 – Protection and improvement of local air quality
- Policy LP52 – Protection and improvements of environmental quality
- Policy LP53 – Contaminated and unstable land

Supplementary Planning Documents and Guidance

- Kirklees Economic Strategy 2019-2025
- Huddersfield Blueprint (2021)
- Biodiversity Net Gain Technical Advice Note (June 2021)
- Planning Applications Climate Change Guidance (June 2021)
- Kirklees Waste Management Design Guide 2020
- Highway Design Guide SPD (November 2019)

National Policies and Guidance

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in 2012 and updated most latterly in July 2021, 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 planning applications.

National Planning Policy Framework (NPPF) (July 2019)

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- 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 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

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 16 – Decision on application
- Section 66 – General duty as respects listed buildings in exercise of planning functions
- Section 72 – General duty as respects conservation areas in exercise of planning functions

Climate Change

- 6.4 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.
- 6.5 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.

7.0 REPRESENTATIONS (PUBLIC)

7.1 This application has been advertised jointly as a major development, as a development affecting a Listed Building and within a Conservation Area, and as a development for Listed Building Consent where works to the exterior of the building are proposed.

7.2 Publication of the applications has been undertaken in accordance with the Council's Development Management Charter (July 2015) and in line with the Council's adopted Statement of Community Involvement (December 2019).

7.3 The statutory public consultation period took place between 27/01/2023 and 01/03/2023.

7.4 During the public consultation, a total of two representations were received (one per each application). One was made in objection (full application) and one as a general comment (LBC application).

7.5 The key points raised in OBJECTION are as follows:

- A modern building extension would be out of place with its historic surroundings, particularly Huddersfield Railway Station.

7.6 The key points raised as COMMENT are as follows:

- The adjacent car park should be able to be used by/given over to the hotel and the existing pick up/drop off point relocated to the west of the railway station.

7.7 Local Members:

ClIr Karen Allison (Newsome) – No comments received.

ClIr Andrew Cooper (Newsome) – No comments received.

ClIr Susan Lee-Richards (Newsome) – No comments received.

7.8 The applicant has also submitted a Statement of Community Involvement setting out their approach to pre-application engagement with the local community, key stakeholders, and local Members in line with NPPF (Chapter 4) Paragraph 39. The SCI also provides an analysis of the pre-application consultation feedback received by the applicant team.

8.0 CONSULTATION RESPONSES

8.1 Invitations to comment on this application were sent to the following consultees:

Kirklees Council:

KC Building Control – No comments received.

KC Business Economy and Regeneration – No comments received.

KC Conservation and Design – No objections subject to conditions

KC Ecology – No objections subject to conditions.

KC Environmental Health – No objections subject to conditions.

KC Highways Development Management – No objections subject to conditions.

KC Highways Structures – No objections subject to conditions.

KC Landscape – No objections subject to conditions.

KC Lead Local Flood Authority – Supports the proposal subject to conditions.

KC Tourism – No comments received.

KC Town Centres – No comments received.

KC Trees – No objections.

KC Waste Strategy – No objections.

External Consultees:

Coal Authority – No objections subject to conditions.

Historic England – Is supportive of the proposal to secure a viable hotel use however required further justification on two matters.

Huddersfield Civic Society – Supports the principle of the proposal but requires further justification and information.

National Amenity Societies (Victorian Society) – Objects.

West Yorkshire Archaeology Advisory Service – No objections.

West Yorkshire Fire Authority – No comments received.

West Yorkshire Police Designing Out Crime Officer – No objections subject to conditions.

Yorkshire Water – Advice received and conditions recommended.

9.0 MAIN ISSUES

9.1 Taking into consideration the site allocations and constraints, the main issues for consideration as part of the appraisal of the application are:

- Principle of Development
- Design
- Landscape Character
- Sustainable Development
- Heritage
- Amenity

- Flood Risk and Drainage
- Highways Safety
- Ecology and Biodiversity
- Other Material Considerations

10.0 OFFICER ASSESSMENT

Principle of Development

Spatial Strategy

- 10.1 Policy LP1 of the Kirklees Local Plan (KLP) sets out the Local Planning Authority's approach to the presumption in favour of sustainable development, as laid out in National Planning Policy Framework (NPPF) (Chapter 2), particularly Paragraph 11(c). Policy LP1 states that 'when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.
- 10.2 Policy LP2 requires that 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. The policy's supporting text identifies the Huddersfield sub-area as being a priority area for investment in the Kirklees Economic Strategy 2019-2025 to revitalise the town centre and benefits from attractive buildings and spaces of historic and architectural interest. The policy also notes that some of Huddersfield's historic buildings are in poor condition and that the sub-area has pockets of high unemployment and deprivation.
- 10.3 Policy LP3 concerns the location of new development. In considering the abovementioned requirements of Policies LP1 and LP2, proposals are also required to reflect a settlement's size and function, place shaping strengths and opportunities/challenges for growth, spatial priorities for urban renaissance and regeneration, and the need to provide new homes and jobs.
- 10.4 Kirklees Council launched its Huddersfield Blueprint in June 2019. This is a 10-year masterplan regeneration vision to assist in stimulating significant regeneration and investment for Huddersfield town Centre. The Huddersfield Blueprint forms a material consideration in determining this planning application. The George Hotel forms an integral part of the Station Gateway area, which is one of six key areas of Huddersfield Town Centre: Station Gateway, St Peter's, Kingsgate / King Street, New Street, The Civic Quarter and a new Cultural Heart in the Queensgate and Piazza area.
- 10.5 A report to the Kirklees Council Cabinet on 11/10/2022 details that:
- 2.2. The Council purchased the George at a time when its condition was continuing to deteriorate in private ownership in order to secure and influence the future of this important gateway building. By bringing it back in to use and ensuring it supports the delivery of the blueprint it will kickstart the wider regeneration of St. George's Square and the town as a whole.*

2.4. It must be noted though that the proposed hotel at the George will not be dependent on the delivery of other Blueprint projects to be successful. There is a clear requirement for the hotel which will bring inward investment for years to come into Huddersfield and the surrounding area. There is also an expectation that making a success out of the George Hotel may generate further hotel investment into the town centre.

- 10.6 As the proposal is for the refurbishment of a key strategic asset in the wider regeneration of Huddersfield Town Centre, and builds on the strengths and weaknesses of the wider Huddersfield sub-area by providing a means to bring a Listed heritage asset back into functional use and provide tourism and employment opportunities, the proposal is considered to be in accordance with Policies LP1, LP2, and LP3 of the adopted Kirklees Local Plan and the Huddersfield Blueprint.

Efficient Use of Land

- 10.7 Policy LP7 states that to ensure the best use of land and buildings, proposals should encourage the efficient use of previously developed land in sustainable locations that are not of high environmental value, encourage the reuse or adaption of vacant or underused properties, give priority to brownfield land which is not of high environmental value, and allow for access to adjoining undeveloped land for subsequent re-development.
- 10.8 NPPF (Chapter 11) Paragraph 120(d) states that Local Planning Authorities should support the development of under-utilised land and buildings. Furthermore, Paragraph 124 states that Local Planning Authorities should support development that makes efficient use of land, taking into account the identified need for different forms of development, local market conditions and viability, the availability of capacity and infrastructure, the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change, and the importance of securing well-designed, attractive and healthy places.
- 10.9 As the site has previously been used as a hotel, the proposal is a continuation of this historic use whilst providing modern facilities for future guests and visitors. The rationalisation of the site, in terms of incorporating its existing central service courtyard area and the inclusion of an area of incidental landscaping to the north within the refurbished proposed hotel, is further considered to be an efficient use of previously underused/unusable land within the curtilage of the site. Officers consider that the proposal would be an efficient and effective reuse of existing brownfield land. As such, the proposal is considered to be in accordance with Policy LP7 of the adopted Kirklees Local Plan and NPPF (Chapter 11), particularly Paragraphs 120(d) and 124.

Economic Development and Town Centre Development

- 10.10 Policy LP13 states that main town centre uses shall be located within defined centres. Furthermore, main town centre uses which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported.

- 10.11 Policy LP16 states that proposals for food and drink, licensed entertainment uses and associated proposals will be supported, provided they are located within a defined centre, and subject to ensuring the concentration of food and drink and licensed entertainment uses are not located in a particular centre or part of a centre, where they would result in harm to the character, function, vitality and viability of the centre, either individually or cumulatively.
- 10.12 Policy LP17 states that proposals for new development within Huddersfield Town Centre will be supported where they provide a range of material benefits to the area and its residents and visitors. These include (but are not limited to) preserving and enhancing the town's cultural and architectural heritage, providing a safe and inclusive destination providing for the daytime and evening economies, and retaining and regenerating the town's key historic features and listed buildings.
- 10.13 NPPF (Chapter 6) Paragraph 81 states that Local Planning Authorities should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 10.14 The Council published the Kirklees Economic Strategy 2019-2025 in April 2019. This provides an overarching vision to create an inclusive and productive local economy with revitalising Huddersfield Town Centre as a priority and central action programme.
- 10.15 Paragraph 2.9 of the submitted Planning Policy Statement highlights that:
- by bringing [The George Hotel] back in to use and ensuring it supports the delivery of the blueprint it will kickstart the wider regeneration of St. George's Square and the town as a whole. The aspiration is to restore the Grade II* listed George Hotel, and reinstate the George as a thriving, sustainable, hotel and hospitality development.*
- 10.16 The site lies within the defined Huddersfield Town Centre. The proposal is considered to be an appropriate use within the defined town centre as a refurbishment and reinstating of the previous C1 hotel use. The proposal is considered to promote and enhance the town centre's cultural and architectural heritage through the regeneration of a Grade II* listed building which has fallen into disrepair in recent years and which would provide a range of material benefits, including job creation and a varied tourism offer. The proposal is also considered to be a key driver in the regeneration of this area of Huddersfield more widely by acting as a catalyst for the wider regeneration of the St George's Square area under the Huddersfield Blueprint. The NPPF is clear that significant weight should be afforded to these material considerations in supporting economic growth in the town centre.
- 10.17 Given the above assessment, Officers consider that the proposal is in accordance with Policies LP13, LP16, and LP17 of the adopted Kirklees Local Plan and NPPF (Chapter 6) Paragraph 81.

Viability

10.18 Paragraphs 2.9 to 2.13 of the submitted Planning Policy Statement set out the viability rationale for the proposal for a 91-bed C1 hotel on this site. The statement sets out that in order to attract long-term investment from a mid- to upper-scale level hotel operator (to be equivalent to a 3 / 4 star hotel), sufficient income would need to be able to be generated through the provision of a minimum of 90 bedrooms and other ancillary hospitality uses (e.g., bar and restaurant). The statement further notes that redevelopment of the George Hotel on this scale and to this quality would reflect the significance of the listed building itself by bringing it back into use as a prominent tourist accommodation offer in the town centre, and by it being operated by a widely recognised quality hotel operator to attract custom in the long term.

10.19 The Victorian Society (part of the statutory National Amenity Societies) objects to the proposal, principally due to:

the lack of a convincing justification for the demolition and the proposed extension's inappropriate design for a very prominent, and historically significant, location beside the Grade I listed Huddersfield station.

10.20 No additional comments have been received from the Victorian Society following a re-consultation on amended elevations and additional heritage information.

10.21 Historic England note that they are:

supportive of the proposal to secure a viable hotel use for the George following a period of vacancy and deterioration. The current project provides an opportunity to capitalise on the investment made by Kirklees Council and Historic England into the repair and enhancement of the exterior of the building as part of the Huddersfield High Street Heritage Action Zone.

10.22 However, Historic England also state that:

the current application argues that in order for the proposed hotel use to be viable and sustainable it would require a considerable amount of change to the building, some of which is harmful. A financial viability appraisal has been submitted in support of the proposals. We defer to your authority to assess this justification and recommend that an independent review of the report is undertaken by someone with expertise in the hospitality sector in the local area.

10.23 Following receipt of Historic England's comments, the applicant submitted some additional confidential viability information. This information has been thoroughly assessed by Officers and has been taken into consideration against the other policy and materials considerations of this proposal.

10.24 The submitted information details that in order to attract a well-known mid-scale level branded hotel operator, the number of rooms usually likely to be required in a new hotel would be c. 120, due to the economies of scale of staffing and overall running costs. In short, the more rooms to be provided the better the overall viability of the hotel use due to the higher levels of revenue able to be achieved. Given the likely very high costs associated with the

refurbishment and construction of the proposal, and works to preserve its historic fabric where possible, the applicant states that a 60-room hotel would not be commercially viable, despite the market opportunity for a hotel on this site. Due to these considerations, the proposal for 91 rooms plus associated facilities is considered by the applicant to represent the most viable option without substantially harming the Grade II* listed building whilst still being able to attract an appropriate operator.

- 10.25 It is also recognised that the hotel would be retained by the Council for at least 12 years post-development. The preferred operator would act under a Hotel Management Agreement (HMA) rather than a lease agreement. The submitted information states that yields are expected to be relatively low based on the proposed number of rooms, likely achievable occupancy rates, likely price per room able to be achieved in this location for this range of operator, and taking staffing and running costs into consideration. The proposal would not be expected to return a profit for the building owner for c. 15 years. Notwithstanding this, the social return on investment in terms of protecting and re-using the listed heritage asset and other associated benefits are considered to be key considerations. Furthermore, the submitted information considers that due to the commercial viability pressures arising from the above-mentioned considerations, it is unlikely that redevelopment of the existing hotel would occur were it not for the involvement of the Council/public sector. In stating this, the applicant notes the lack of private sector investment under the George Hotel's previous private ownership for the maintenance of the historic building over the past decade and to return it to a commercially viable use.
- 10.26 Officers have considered the applicant's viability documents submitted with the application. The potential options for redevelopment of the site have been thoroughly explored and officers are of the opinion that the applicant has adequately demonstrated that the proposal would provide the optimum viable reuse of the building and the site given the policy requirements of Chapter 16 of the NPPF.

Design

- 10.27 Policy LP24 of the Kirklees Local Plan states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. Furthermore, proposals should promote good design by ensuring that the form, scale, layout and details of the development respect and enhance the character of the area, provide high levels of sustainability, and minimise the risk of crime, amongst other criteria.
- 10.28 NPPF (Chapter 12) sets out the national approach to achieving well-designed places. Paragraph 130 states that proposals should function well and add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site's potential to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, inclusive and accessible.

Demolition Works

- 10.29 To facilitate the regeneration of the existing hotel building, this application proposes the complete demolition of northwest wing (Block B) to the west of the site, and the central ballroom and in part the eastern wing to the east of John William Street (Block C). The partial demolition of Block C would leave the historic façade to be incorporated into the redevelopment works, but would remove the existing internal rooms, corridors, and interiors.
- 10.30 The upper section of Block B would be replaced with a new wing. While this will involve a high degree of demolition, the earlier lower section of surviving wall is to be retained. The upper section is a later addition of no historic merit. There are also structural concerns with this section of the building, which would require substantial engineering work amounting to significant intervention. It is therefore considered acceptable for Block B to be demolished down to the level of the original wall.
- 10.31 The eastern wing, Block C, fronting John William Street is to have its façade retained and the remainder of the structure is to be demolished. As detailed in the submitted structural report there are structural concerns relating to this element of the building. This appears to be in part as a result of works which were undertaken during its construction, later alterations, and subsequent poor and inappropriate repairs. It is understood that consideration was given to the retention of this wing, but the need to add additional stories to the roof to meet operator viability requirements and provide the required additional space would equate to significant additional loading and strain on the historic structure. This approach was discounted owing to the identified structural concerns and level of intervention that would be required to the historic structure (tantamount to rebuilding but with significant associated structural complexities attached to it). As set out in the submitted detail, the building is suffering from severe structural defects and so it is considered that on balance, the proposed approach is justified.
- 10.32 The proposed approach to Block C would see the historic façade retained with a new contemporary steel-framed structure erected behind the it. This would involve a high degree of loss of this part of the building which in itself is considered to have a reasonable degree of significance attached to it, including the internal dining room which sits within Block C. Whilst façade retention should ordinarily be a matter of last resort, the upper floors of the wing have seen a higher degree of alteration and in most cases do not retain any historic details or features and have seen significant works undertaken in the late 20th century and more recently under previous consents contributing to its dilution of interest. More recent steel beams and roof construction are clearly evident. Additionally, some of the suggested “historic” timbers are likely to be more recent 20th-century additions as the timbers appear to be machine sawn and of softwood.
- 10.33 There are also concerns in respect of floor levels. Due to the nature of its construction, the floor levels are varied and present concerns and complexities in terms of retention and reuse (having regard to the need to meet accessibility standards and comply with the Building Regulations). Retention would result in uneven floor plates, preventing level access. The structural and viability issues must again be considered. The submitted structural report clearly shows and details the work which would be required to make the existing structure safe, which as previously stated would require a high degree of intervention and would likely make the scheme economically/commercially unviable.

10.34 The preferred solution would usually be to secure the retention and repair of the entire structure of the building. However, in this case it has been clearly evidenced that there are significant associated structural defects in Block C, which need to be taken into consideration, alongside the need to make reasonable adjustment to provide level access throughout the building and also balancing the economic viability of the scheme. Officers have had sight of information which addresses and supports the viability concerns and demonstrates that in order to make the scheme viable the additional space is required, as is the extent of intervention.

Building Layout

10.35 Block A, the main range of the hotel, has four floors and a basement, Block B has three floors and a mezzanine level and a partial basement, Block C has three floors and basement. The ground floor layout connects the three blocks with two further areas, the courtyard, and the kitchen and public toilets. The existing building was previously in use as a hotel, and its total GIFA was 4,309sqm. As proposed, the combination of the retained historic element Block A and the new extension would result in a building with a total GIFA of 5,064sqm. The applicant would also lower the floorplate of the basement area by circa 1m to achieve requisite ceiling heights.

Form, Scale and Massing

10.36 Block A of the existing building (which fronts on to St George's Square) has six storeys, five of which are visible above ground from the southeast and reduces to four storeys towards the west as the ground slopes. Level 04, the top storey, is set back and utilises a mansard roof. This is retained in the proposal and is therefore considered appropriate in the setting given there would be no material change in scale or massing.

10.37 With regard to Blocks B and C, the applicant has carefully considered the scale of and massing of Block A to create a coherent design. The existing façade on John William Street (Block C) would remain as three storeys, however, the existing roof would be removed and an additional two storeys of accommodation are proposed. Each new level would be set back from the façade, stepping back in consideration of the visibility from ground level and in acknowledgement of the historic elements. Block B would be of four storeys. The new proposal for block B and C would be consistent at an upper level to manage the scale and relationship to Block A. How each upper level is set back is relatively consistent along the east and west elevations. The massing at the conjunction of Block B and C where the external fabric converges has been considered in its material and appearance. The atrium and covered canopy are a key node referencing the existing space between Block A to C. On the west elevation, the service core and lift would extend to accommodate the required functions. The new massing of Block B and C would link into the existing Block A roofscape across the rear elevation. The connection between the new Block B and Block A has been set back to differentiate and express the massing, a note back to the historic development of Block B. Overall, block B and C respect the unchanged block A with regard to scale and massing, in accordance with Local Plan Policy LP24.

External Materials

- 10.38 The proposed external materials to be used in the new-build sections of the proposal are shown as being of a range of stone facings, feature/decorative panels, and metal cladding. These would be of a mix of browns and greys to distinguish between the retained historic materials and those of the new development, whilst being complementary. The colours would also differentiate between the levels of the new-build areas, as has been highlighted in Section 5.9 of the submitted Design and Access Statement.
- 10.39 Officers note that the final specifications and proposed colours of the external materials to be used have not been provided at this stage. Notwithstanding this, KC Conservation and Design note that following an iterative design process, the materials have been varied to further break up the elevation[s] and to aid visual subservience when viewed from street level. It is recommended that full details of the external materials to be used are conditioned to ensure that they are appropriate and do not harm the historic value of the listed heritage asset. Officers agree with this approach and shall secure the relevant conditions.

On-Site Landscaping

- 10.40 The applicant is proposing the installation of an extensive green roof, measuring an area of c. 30sqm, to the north of the hotel. This area would result in an increase of c. 5sqm of additional on-site landscaping compared with that provided by the existing area of incidental landscaping to be subsumed into the proposed hotel extension. On such a physically constrained site with little to no access to ground level soft landscaping opportunities, Officers consider the installation of a green roof to be a welcomed and well-considered solution.
- 10.41 Although no substantive landscaping plans have been submitted at this stage, KC Landscape have reviewed this application and consider the proposed on-site landscape to be acceptable in principle. Conditions have been requested for a full hard and soft landscaping strategy, inclusive of native species planting strategy to attract pollinators, and a five-year maintenance and management plan. Officers agree with this approach and shall secure the relevant conditions if planning permission is granted.
- 10.42 Overall, the proposal, in relation to design policy and guidance only, is considered to be in accordance with Policy LP24 of the adopted Kirklees Local Plan and NPPF (Chapter 12), particularly Paragraph 130. It represents a high-quality development which respects the scale, massing and form of the surrounding area. The impact regarding the site's heritage constraints shall be assessed later within the report.

Landscape Character

- 10.43 Policy LP32 requires that proposals should be designed to take into account and seek to enhance the landscape character of the area, with particular consideration of the setting of settlements and buildings within the landscape, as well as other environmental features in the vicinity.

- 10.44 The proposal is located in an urban town centre with a range of listed heritage assets in the vicinity. As a regeneration scheme intended to bring a disused hotel back into use with a more modern refurbishment and extension, and by using majoritively the same building footprint in a prominent central location, Officers consider that the proposal has been designed to preserve and enhance the character of the area. The retention of the John William Street façade is also considered to tie the redevelopment of the George Hotel into the street scene and allow for the continuation of the historic railway station and public realm area to integrate with the new-build sections of the proposal.
- 10.45 Given the above, the proposal is considered to be in accordance with Policy LP32 of the adopted Kirklees Local Plan and NPPF (Chapter 12) Paragraph 130 in relation to landscape character.

Sustainable Development

- 10.46 NPPF (Chapter 14) Paragraph 154 states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Paragraph 157 states that proposals should comply with any development plan policies on local requirements for decentralised energy supply (subject to feasibility and viability) and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 10.47 The applicant has submitted a Sustainability Statement in support of the proposal. This details that the proposed design would put The George Hotel on the pathway to a net zero carbon future by 2038 in accordance with Kirklees Council's vision.
- 10.48 To achieve this aim, the applicant is proposing to implement a range of sustainable construction and operation techniques. These include:
- Minimising carbon dioxide emissions and energy consumption by installation and running mechanical and electrical systems at maximum operational efficiency;
 - Provision of air source heat pumps to reduce reliance on fossil fuels;
 - Improvements to the building's thermal properties;
 - Re-use of the existing building fabric and materials where possible to reduce the amount of waste generated by construction (including a site waste management plan);
 - Carbon sequestration through the re-use of materials;
 - Use of sustainably sourced materials;
 - Minimising water consumption through low flow/low output water and drainage systems;
 - Implementation of sustainable urban drainage systems;
- 10.49 As a result of these measures, the proposal is aiming to achieve a minimum BREEAM rating of 'Very Good', as highlighted in Section 5.11 of the submitted Design and Access Statement.

10.50 Officers consider this approach to be a good example of implementing sustainable development techniques into the refurbishment of a sensitive listed heritage asset. The retention and re-use of much of the existing building would, in particular, achieve a significant saving in relation to embodied energy and carbon. It is recommended that conditions be secured for compliance with the abovementioned measures as set out in the submitted Sustainability Statement. Given the above assessment, Officers consider the proposal to be in accordance with Policy LP24(d) and NPPF (Chapter 14) particularly Paragraphs 154 and 157.

Heritage

10.51 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities 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 when considering whether to grant listed building consent. Furthermore, it requires that any listed building consent shall (except in so far as it otherwise provides) ensure for the benefit of the building and of all persons for the time being interested in it.

10.52 Under the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention is to be paid to the desirability of preserving or enhancing the character or appearance and settings of listed buildings or any features of special architectural or historic interest, and the appearance and character of a conservation area.

10.53 NPPF Chapter 16 sets out the national planning policy requirements for developments affecting a listed heritage asset and/or conservation area:

10.54 Paragraph 199 states that:

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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.55 Paragraph 200 states that:

any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

10.56 Paragraph 201 states that:

where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

10.57 Paragraph 202 states that:

where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.58 Policy LP35 requires that:

1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) 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, or all of the following are met:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

[...]

3. 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:

- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;*
- b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;*

- c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;*
- d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance;*
- e. accommodate innovative design where this does not prejudice the significance of heritage assets;*
- f. preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.*

Impacts on Listed Buildings

The George Hotel (Grade II listed)*

- 10.59 KC Conservation and Design note that a detailed listing assessment was undertaken by Historic England in 2022 which further improved and enhanced the understanding of the significance of the building. Elements which were not considered to be of special architectural or historic interest were excluded from the listing. Notably, as a result of this review, the northwest wing and the west end of the ballroom were specifically excluded from the listing. The central ballroom, owing to the high level of alteration and loss of the sprung floor was noted as not being of special interest.
- 10.60 The building has been vacant for over a decade, and has been neglected. Conservation works to the external envelope of the building were granted consent in 2021. Internally, there is a reasonable degree of surviving fabric, however, in certain areas, there has been a significant degree of intervention and alteration which has resulted in some areas to the total loss of plasterwork, skirting boards, ceilings and cornice details and other historic fabric/features.
- 10.61 Of the surviving historic fabric, there is a high degree that dates from the 1930s, a key phase of development and change for the building. There are some sections of fabric which are extant from the first phase of development. One of these notable areas is on the first floor in Block A which was known as the Commercial Room, which is a highly ornate room with decorative plasterwork detail and pedimented doorcases. It appears that during the works at the beginning of the 20th century, there was a high degree of alteration to the internal fabric and sections of the earliest fabric were lost during this period. In this case, it is considered that the special interest of the building does not only derive from the architectural merit of the building but also from its evolution as a hotel, continually adapting to ensure its long-term survival in its original intended use, and this is clearly evidenced in the various phases of development of the building which have secured its continued viability and use over the years.
- 10.62 Regarding the proposed new build elements, there has been considerable engagement and discussions during the design evolution of the scheme. In relation to the initial submission, concerns were raised in respect of certain elements of the design and detailed discussions followed, including working design meetings with statutory consultees. This is evidenced in the appendix to the Heritage Statement, which sets out the key points of concern which were raised, and how these have now been addressed.

- 10.63 The proposed design has focused on following the footprint of the existing building. It also follows some of the historic precedents. For example, historically, prior to the construction of the central ballroom in the 1930s phase of development, The George had a central open courtyard. It is intended to reinstate/replicate this, with a covered glazed roof detail. Much of the design evolution is in response to the proposed functionality of the building in order to facilitate its continued use as a hotel and in meeting the necessary standards and requirements to achieve this. While this would require new additions/extension to the original building, it is necessary in order to continue in its original use and the new blocks can be viewed as a contemporary interpretation of past phases of extension/alteration.
- 10.64 As shown in the appendix to the Design and Access/Heritage Statement, a series of alterations and amendments have been made to accommodate and address key consultee concerns with the proposed design. The new build element along John William Street was initially shown on plans as being on the same plane as the historic façade. There were also concerns in regard to the materials proposed and lack of clear definition between old and new. The design has now been amended, stepping it forward so as to make it distinguishable with a clear visual break from this historic frontage. The corner on the junction between John William Street and the western elevation facing the railway station has been bookended, to again make a clear visual break and to more closely replicate the existing building arrangement. It also takes cues from the surrounding character of the conservation area, where there are several examples of such architectural style/feature and where corners are chamfered or similar, to soften an otherwise sharp corner detail.
- 10.65 The additional mansard/dormer structures to the roof line have been stepped back to try and reduce the impact of the massing and break up the elevation. The materials have been varied to further break up the elevation and to aid visual subservience when viewed from street level.
- 10.66 In relation to the structural aspects and the works involving proposed fire and acoustic upgrade, these would involve a degree of alteration and loss but for greater long-term benefit and to facilitate the viable re-use of the heritage asset. Officers are satisfied that this has been clearly and convincingly justified and in addition, upon Officer advice, the most significant area of surviving historic fabric and detailing including the decorative plaster ceiling within the Commercial Room would be retained and a workable solution identified to enable its retention, repair and preservation. In earlier plans, the applicant proposed the removal of this ceiling, however amended plans have now been received, showing its retention.
- 10.67 On the western elevation of new Block B, facing the railway station, the join between the historic Block A of the building and the new block responds positively with a slight stepping in of the new building and a curved edge leading into the main elevation, reflecting the extant curved bay window. It is clear from the design evolution of the Western elevation of new Block B that it is intended to fulfil a dual purpose. On the one hand, this is a visually prominent elevation particularly when viewed from the adjacent listed station forecourt and indeed on entering the town by rail. It is also historically a service wing to the building and the design evolution reflects this with some initial design concerns having been raised during earlier iterations. These were particularly in relation to the furthest end of this elevation where the lift shaft and stairwell are featured and

where the building meets Block C. Whilst some of these concerns have been addressed with the introduction of more detailing to visually break up this large elevation, it is considered that further changes may have been possible. From a heritage perspective, it is important to retain this dual-purpose façade and to maintain the quality and architectural integrity of the building throughout the scheme particularly as often the first sight of this historically significant building to visitors to the town will be the eastern elevation and so the materiality and detailing are considered to be paramount to its overall success and sensitive integration with The George itself. Whilst the current design is generally acceptable, this is on the premise of securing high quality materials and finishes which will help to visually break-up what could otherwise result in a utilitarian appearance and should instead create new architectural interest which complements and enhances the historic asset.

10.68 Officers are also mindful that – as set out in the submitted documentation and comments – there are less significant sections to the heritage asset. Block B and the associated ballroom owing to their lack of significance have been omitted from the list entry. The proposals do, however, retain the original historic wall which runs to the base of block B, better revealing its significance, and this is deemed a heritage benefit. Block C does retain some significance and holds the dining room which has extant plasterwork detailing. However, on the upper floors of Block C, there is a lesser degree of surviving fabric and there have been many changes in the later 20th century which interrupts/alters the legibility of the block. As evidenced in the supporting reports there are significant structural concerns with Block C which are not easily remedied. Officers are broadly supportive of the newly designed elements of the scheme. Considerable officer time and discussions have gone into developing and further evolving the proposals.

10.69 As set out above, the proposed scheme is highly complex, with many interrelated issues and considerations to be balanced. The George is a highly significant building architecturally, socially and historically. The proposals involve demolition and alteration works which must be clearly and convincingly justified and weighed against public benefit in order to meet policy requirements, including where appropriate securing its optimum viable use. Officers are satisfied that the optimum viable use for this building is the proposed continued hotel use, as originally intended and as such significant weight is attributed to this. In addition, as clearly outlined in the submission, there are heritage, environmental, social and economic benefits arising from the scheme which when considered together significantly outweigh the identified heritage harm. Therefore, the proposal is considered to be in accordance with Policy LP35 of the adopted Kirklees Local Plan and NPPF (Chapter 16), particularly Paragraphs 200 and 202. The proposal is also considered to have appropriate regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Railings to Station Yard (Grade II listed)

10.70 Reconfiguration of the Grade II listed railings to Station Yard to the immediate west of the site is proposed, to allow access to the rear of the hotel for servicing and access.

10.71 It is considered that this intervention amounts to less than substantial harm, and that this harm is outweighed by the public benefits and practical considerations listed earlier in this report.

Impact on Conservation Area and Setting of Huddersfield Railway Station

- 10.72 The site is within the Huddersfield Town Centre Conservation Area and is directly adjacent to the Grade I listed Huddersfield Railway Station.
- 10.73 Given the proposed development's respect for its site, existing footprint, and elevations of the retained elements, together with its appropriate height, massing, detailing and materials (subject to conditions), it is similarly considered to be appropriately respectful of its context, of the character and appearance of the Huddersfield Town Centre Conservation Area, and the settings of adjacent listed buildings.
- 10.74 In relation to the conservation area and listed building settings, the proposed development is again considered to be compliant with Policy LP35 of the adopted Kirklees Local Plan and Chapter 16 of the NPPF, and has appropriate regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

- 10.75 The submitted Heritage Statement identifies that the site is located in the vicinity of previously undertaken archaeological assessments at the railway station. Notwithstanding this, the Heritage Statement concludes that there is a low likelihood of finding buried archaeological evidence of significant value on the site.
- 10.76 West Yorkshire Archaeology Advisory Service have reviewed the submitted information and do not consider that any additional archaeological works are required.

Amenity

- 10.77 Policy LP52 of the Kirklees Local Plan requires that proposals which have the potential to increase noise, vibration, light, dust, odour, shadow flicker, chemical or other forms of pollution 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 or have unacceptable impacts on the environment.

Noise

- 10.78 The applicant has submitted a Noise Impact Assessment in support of this application. This concludes that the hotel would not have significant adverse effects in noise generation terms, including the running of events within the hotel, or be significantly affected by existing noise levels in the area. Mitigation measures have been proposed to control noise and vibration impacts during the demolition and construction phase of development, so too for acoustically enhanced glazing along the eastern and southern façades to achieve appropriate internal ambient noise levels.

- 10.79 KC Environmental Health have reviewed the submitted information and note that the submitted report is of a reasonable standard, although it does make some unqualified assumptions which would require further information to be submitted at condition stage. Notably, KC Environmental Health note that the amenity of hotel rooms from noise impacts does not fall under their remit. Nonetheless, a condition is recommended to ensure that all noise from mechanical services and fixed plant equipment is effectively controlled to not exceed permitted background noise levels as defined in British Standards BS 4142:2014+A1:2019.
- 10.80 Officers consider that this approach is appropriate to safeguard the amenities of future guests and staff at the proposed hotel. As such, the proposal is considered to be in accordance with Policy LP52 of the adopted Kirklees Local Plan in terms of noise.

External Lighting

- 10.81 An indicative external lighting strategy has been submitted in support of this application. This shows the use of linear uplighting, lighting to highlight features of the historic aspects of the building, signage and windows, and the use of bollard lighting around the western site boundary.
- 10.82 The West Yorkshire Police Designing Out Crime Officer noted that the use of low-level bollard lighting is not conducive to CCTV facial recognition, and requested further information regarding an external lighting strategy to be provided via conditions. Officers note that the external lighting strategy is only indicative at this stage, and the relevant conditions are recommended to secure full details of a sensitive, safe, and complementary external lighting strategy. As such, the proposal is considered to be in accordance with Policy LP52 of the adopted Kirklees Local Plan with regards to external lighting.

Refuse and Waste

- 10.83 Policy LP24(d)(vi) requires that proposals incorporate adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste.
- 10.84 The proposal would locate its main secure and ventilated bin store to the north of the hotel, adjacent to John William Street to allow for collection from the kerbside. Provision would be made for three 1100-litre Eurobins, four 120-litre wheelie bins for recycling, and an empty bottle and keg store. KC Environmental Health have requested a condition to limit the waste collection times to avoid early mornings to protect the residential amenities of neighbouring occupiers on the opposite side of John William Street. Officers agree with this approach and have recommended the relevant conditions.
- 10.85 KC Waste Strategy have reviewed the submitted information and requested clarifications from the applicant regarding the provision of suitable refuse and waste storage and collection areas. Following receipt of these clarifications, KC Waste Strategy raised no objections to the proposal. As such, the proposal is considered to be in accordance with Policy LP24(d)(vi) of the adopted Kirklees Local Plan.

Air Quality

- 10.86 Policy LP51 of the Kirklees Local Plan requires that proposals should demonstrate that they are not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. Furthermore, proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.
- 10.87 The site lies in Air Quality Management Area (AQMA) 9. The applicant has submitted an Air Quality Assessment in support of this application. This concludes that the proposal would not result in significant effects on air quality, nor would the hotel be at risk from exposure to existing airborne pollutants in the area. Mitigation measures are proposed during the demolition and construction phases of development, particularly in the form of dust and emissions control through a Construction Environmental Management Plan (CEMP).
- 10.88 KC Environmental Health have reviewed the submitted information and accept the methodology and conclusions of the Air Quality Assessment. A condition is recommended to sure a CEMP to control fugitive dust emissions during the demolition and construction phases of development.
- 10.89 Officers note and agree with the recommended approach. As such, the proposal is considered to be in accordance with Policy LP51 of the adopted Kirklees Local Plan.

Future Users

- 10.90 Policy LP24(b) requires that proposals provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary.
- 10.91 The proposal would provide a number of services and amenities for future guests, visitors, and staff as part of the hotel offer. These would include staff and back of house facilities across all floors, a public bar and restaurant, a gym, banqueting and conference facilities, access lifts (including a central glazed lift in the open atrium area), and 91 guest bedrooms. The proposed bedrooms would be c. 20sqm in size and would be equipped with ensuite bathrooms.
- 10.92 Officers note that there is no direct guidance or legislation governing the minimum sizes of hotel rooms and other facilities. However, Officers note the intention of the application to provide a comfortable place to stay which would encourage repeat custom. It is considered that to do so, a certain level of amenity would be expected by guests. In light of this, and the proposed operator's track record of successful hotel operations across the country, the proposal is considered to provide good levels of amenity for future guests, visitors, and staff in accordance with Policy LP24(b) of the adopted Kirklees Local Plan.

Flood Risk and Drainage

Flooding Risk

- 10.93 Policy LP27 requires that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy. The national policy requirements are set out in NPPF (Chapter 14). This details the sequential approach to development and flood risk to steer new development to areas with the lowest risk of flooding from any source.
- 10.94 The applicant has submitted Flood Risk Statement in support of this application. This details that the site lies in Flood Zone 1, such that it is considered to be at low risk from fluvial/river flooding. Government flood mapping also shows the site to be at very low risk from surface water flooding. Notwithstanding this, there are areas considered to be at low risk of surface water flooding along Railway Street and John William Street adjacent to the site's red line boundary.
- 10.95 The Council's Strategic Flood Risk Assessment (SFRA) shows the site as being at medium risk (50% – 70%) of groundwater flooding. Officers noted the visible presence of high water tables in the basement areas of the existing building during a site visit. It is also noted that the basement levels are proposed to be lowered by c. 1m as part of the overall package of works, which could exacerbate the risk of groundwater flooding. The submitted FRS recommends a number of mitigation measures to manage the risk from groundwater flooding. These include:
- Appropriate drainage measures, such as channel interceptor drains, to be considered at the main building entrance and the access steps to the basement.
 - Raise levels to provide positive drainage (contour) away from the main entrance and access steps.
 - Consideration of appropriate waterproofing measures for below ground development.
- 10.96 KC Lead Local Flood Authority have reviewed the submitted information, including consideration of the submitted Drainage Strategy Note as detailed in the following section. They recommend that full details of the proposed surface water drainage strategy are dealt with by pre-commencement conditions, including details of land drainage. Officers also consider that conditions for the details of specific flood risk mitigation measures should be secured by conditions, in line with those recommended by the submitted FRS and with particular reference to groundwater flooding mitigation.
- 10.97 Given the above considerations, Officers consider that the proposal is in accordance with Policy LP27 of the adopted Kirklees Local Plan and NPPF (Chapter 14) in relation to flood risk.

Surface and Foul Water Drainage

- 10.98 Policy LP28 contains a presumption for the use of sustainable drainage systems (SuDS). In addition to this presumption, the policy also states that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be coordinated to meet the demand generated by the new development.

- 10.99 NPPF (Chapter 14) Paragraph 169 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 10.100 The applicant has submitted a Drainage Strategy Note in support of this application. This outlines the existing and proposed surface and foul water drainage strategies, along with an analysis of the sustainable drainage hierarchy in relation to the proposals.
- 10.101 The proposed surface water drainage strategy would be partly based on the existing arrangements with connection to the existing drainage/sewerage system. Some surface water attenuation is proposed (c. 18 cubic metres) at basement level with a proposed restricted discharge rate of 8.7 litres per second (reduced from the current rate of 12.4 l/s (a c. 30% betterment)). The submitted DSN also notes that other options, such as pumping and blue roofs are also being investigated and that the precise surface water network routes, levels and arrangement and connections would need to be confirmed at Developed Design stage.
- 10.102 The proposed foul water drainage strategy would similarly be based on the existing sewerage arrangements. The submitted DSN notes that some areas of the proposal may require wastewater pumping to discharge effluent as site sewerage levels may restrict gravity connections to the sewerage network (i.e., basement levels). Any pumping systems would be fully monitored and alarmed in case of fault or failure. Officers note that the DSN states that the Public Health Engineering design details for the internal foul water layouts are subject to confirmation, and shall be clarified during the next design stage.
- 10.103 KC Lead Local Flood Authority and Yorkshire Water have reviewed the submitted information and consider that consideration of the full details of the proposed surface and foul water drainage strategies can be satisfactorily dealt with by pre-commencement conditions. Specific technical parameters and recommended use of particular approaches (or not – such as surface water pumping), further consideration of surface water drainage via infiltration (to include infiltration testing), and the requirements for a maintenance and management plan are laid out by consultees and should form part of the applicant's surface and foul water drainage strategies. Neither KC LLFA nor Yorkshire Water have raised objections to the proposal in drainage terms.
- 10.104 Officers consider that given the existing surface and foul water drainage arrangements, the information submitted at this stage, and the consultee recommendations conditions for the full details of proposed surface and foul water drainage strategies, the proposal is considered to be in accordance with Policy LP28 of the adopted Kirklees Local Plan and NPPF (Chapter 14).

Highways Safety

Location Sustainability

- 10.105 Policy LP20 requires that proposals are located in accordance with the Council's spatial strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. Furthermore, proposals should be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity.

10.106 The site lies directly adjacent to Huddersfield Railway Station which currently offers direct connections to every major city in the North, and hosts a Trans-Pennine Route Upgrade railway line which will, once completed, offer a more extensive railway service to the local and regional catchment areas. The site is also located within a short walking distance from the closest taxi rank, Huddersfield Bus Station, National Cycle Route 69, and a number of public car parks in and around the town centre. The proposal's town centre location also provides easy access to local goods, services, and other amenities via a range of active and sustainable travel options.

10.107 The applicant has submitted an intermediate Travel Plan in support of this application. This details specific measures which would be incorporated into the hotel's sustainable travel offer for staff and guests, and the ongoing management of a travel plan scheme. The measures identified include:

- Provision of a site-specific travel board
- Staff meetings with Travel Plan Co-ordinator
- Periodic travel newsletters
- Promotion of walking apps
- Advice on personal safety
- Bicycle User Group
- Provision of cycle repair kit and cyclist facilities
- Discounted bus and travel and taster tickets
- Provision of up-to-date timetable information
- Cycle to Work scheme
- Joining the West Yorkshire Travel Plan Network to access other benefits
- Providing hotel guests with travel information at check-in

10.108 KC Highways have reviewed the submitted Travel Plan and note the limitations to reducing private vehicle reliance from a predominantly car free development, and that it would be most effective for staff rather than guests. Nevertheless, the submitted TP is keen to promote active and sustainable travel opportunities to and from the site. KC Highways recommend that the intermediate TP is worked up into a full Travel Plan to be secured by conditions. A financial contribution of £10,000 would also be required under for Travel Plan assessment and monitoring for five years. KC Highways also advise that the applicant provides discounted travel options, such as M-Cards, in liaison with the West Yorkshire Combined Authority Travel Plan Network.

10.109 Officers consider this approach to be acceptable to promote and deliver active and sustainable travel opportunities for future staff and guests and shall secure the relevant conditions and planning obligations. As such, the proposal is considered to be in accordance with Policy LP20 of the adopted Kirklees Local Plan.

Impacts on Highways Safety

10.110 Policy LP21 requires proposals to demonstrate sustainable modes of transport and be accessed effectively and safely by all users. New development will 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. Furthermore, proposals are required to demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

- 10.111 NPPF (Chapter 9) Paragraph 111 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. Paragraph 112 further details priority use of new roads, addressing the needs of people with disabilities, creating safe and secure places, allowing for efficient delivery of good and emergency service access, and enabling the use of electric vehicles.
- 10.112 The applicant has submitted a Transport Statement in support of this application. This sets out that the proposal would be a predominantly car-free development. For those journeys which would likely require private vehicle use, the TS concludes that c. 18 two-way car trips in the morning and evening peak times combined would be expected.
- 10.113 KC Highways Development Management have reviewed the submitted TS and note that it calculates likely trip on a *person* basis rather than on a *vehicle* basis, which can miss out service vehicle trips from the calculations. Notwithstanding this, KC Highways consider that a pro rata c. 33% increase in vehicle trips resulting from the proposed increase from the historic 60 rooms to 91 rooms (equivalent of c. 7 AM peak trips and c. 5 PM peak trips), is unlikely to have a *severe* impact on highways safety.
- 10.114 KC Highways Structures have requested a condition to secure full details of any new or affected highway retaining walls as part of the proposed demolition works and refurbished of the proposal. Officers agree with this approach and shall secure the necessary conditions if planning permission is granted.

Servicing Arrangements

- 10.115 As previously noted, refuse and waste collection would take place from the refuse collection area on John William Street. Other hotel servicing facilities would be located within the existing car park area to the immediate west of the site and be accessed via Railway Street. This would include provision of a loading bay and rearrangements of the existing retaining wall and Grade II listed railings to Station Yard, the heritage impacts of which are detailed earlier in this report. KC Highways Development Management note the provision of the proposed servicing area and raise no objections to its location of use.
- 10.116 To reduce any detrimental highways safety impacts resulting from the construction phase of development, a further condition has been proposed for a Construction Access Management Plan. Officers agree with this approach and shall secure the relevant condition to provide detailed information relating to construction traffic access to the site with consideration of potential off-site highways safety impacts.
- 10.117 Overall, Officers consider that as the proposal is sustainably located and would be predominantly car free, the proposal is in accordance with Policy LP21 of the adopted Kirklees Local Plan, Highway Design Guide SPD, and Chapter 9 of the NPPF.

Car Parking

- 10.118 Policy LP22 requires that proposals provide full details of the design and levels of proposed parking provision following the principles set out in the policy wording. In doing so, they should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.
- 10.119 The Highway Design Guide SPD does not set local parking standards but notes that it should be used as an initial point of reference in designing new schemes. In relation to non-residential proposals, the SPD recommends early engagement with the Local Highway Authority to determine the required quantum of provision of car parking spaces should be undertaken.

Car Parking

- 10.120 As previously noted, the proposal would be a predominantly car-free development. As such, no associated car parking has been proposed. Notwithstanding this, Officers note the proposal's town centre location and the availability of public car parking opportunities in the vicinity of the site.
- 10.121 KC Highways Development Management note the historic function of the proposal as a hotel with no associated car parking, as well as the prominence of other nearby town centre uses which also do not have direct access to car parking facilities, or very limited access. It is noted that the proposed lack of proposed car parking is not an exceptional occurrence and can be managed via access to public car parks within a short walking distance from the site, throughout the town centre.

Cycle Parking

- 10.123 The submitted TS notes the proximity of the site to an existing 54-space secure cycle hub at Huddersfield Railway Station. Officers note that some of this cycle storage provision is located outside of the railway station (uncovered Sheffield hoops). However, the majority of the existing provision is located behind the ticket barriers for the station platforms which would render it unusable for the likely majority of cyclists associated with the proposal.
- 10.124 It is noted that provision of some cyclist facilities for staff have been included within the submitted Travel Plan, however this does not extend to on-site cycle storage. Officers note the clear emphasis on cycling within the Travel Plan as a preferred means of sustainable travel to and from the hotel, mostly for staff. Therefore, to realistically achieve this, some consideration must be given to the provision of cycle storage. KC Highways note that this could be done through making space available in the proposed service and staff areas of the hotel and include the possibility of offering a valet cycle parking service for guests if required. The applicant notes that indoor cycle storage would not be feasible as all available internal space is already accounted for. There is also considered to be little to no scope for an outside cycle storage facility within the red line boundary area of the proposal.

- 10.125 No cycle storage provision has been submitted as part of this proposal. Following discussions with the applicant about potential on-site and off-site provision, KC Highways note the lack of any cycle storage provision and further note their disappointment that cycle storage has not been accommodated within the proposal, in line with the Council's sustainability objectives and promotion of active travel opportunities. Notwithstanding this, KC Highways Development Management do not raise an objection in this regard as the site is considered to be in a sustainable town centre location that is well served by public transport.
- 10.126 As such, the proposal is considered to be in broad accordance with Policy LP22 of the adopted Kirklees Local Plan and Highway Design Guide SPD in terms of car and cycle parking provision, although KC Highways Development Management's comments are duly noted.

Ecology and Biodiversity

Biodiversity Net Gain

- 10.127 Policy LP30 requires that proposals do not result in unmitigated or uncompensated significant loss of or harm to biodiversity and should provide biodiversity net gains through good design.
- 10.128 The Council's adopted Biodiversity Net Gain Technical Advice Note Paragraph 3.1.1 states that a minimum of 10% net gain in biodiversity is required.
- 10.129 NPPF (Chapter 15) Paragraph 174(d) further requires that proposals should minimise impacts on and provide net gains for biodiversity. In addition, Paragraph 180(a) also states that if a proposal would result in unmitigated or uncompensated significant harm to biodiversity, planning permission should be refused.
- 10.130 The applicant has submitted an Ecological Impact Assessment (EclA) and Biodiversity Net Gain (BNG) report in support of this application. This details that at present, the site is predominantly covered in hardstanding, with only a small area of non-native shrub at the north of the site. The site is therefore considered to be of minimal ecological value.
- 10.131 The proposal would introduce a new area of green roof (c. 30sqm) onto the site. Given the constraints of the site/existing building in terms of its lack of ability to expand further than its current footprint, this is considered to represent an innovative solution to the provision of on-site biodiversity net gain. The submitted report identifies a potential delivery of 15.80% Biodiversity Net Gain on this site, which is considered to be a material benefit of the proposal which provides in excess of the 10% BNG required by adopted planning guidance.
- 10.132 KC Ecology have reviewed the submitted information and note the potential for BNG on this site. They recommend a condition for an Ecological Design Strategy to ensure that the proposed BNG uplift is achieved post-development. Officers agree with this approach and shall secure the necessary condition if planning permission is granted.

Protected Species

- 10.133 Policy LP30 requires that proposals must protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.
- 10.134 The site lies in a Swift (*Apus apus*) (Birds of Conservation Concern Red List) Nesting Records area. The submitted EclA details that no Swift were recorded during an on-site assessment, although other Schedule 1 species have previously been identified within 2km of the site (although not within the site itself). The EclA concludes that *the site is considered to be of up to Site level importance for foraging and breeding use by a common assemblage of birds, typical of the urban environment.*
- 10.135 The EclA makes a series of recommendations to mitigate and enhance provision for nesting and breeding birds at the site. These include the provision of Swift, Starling, and other wall-mounted bird bricks and boxes to be installed at roof level, and for works to take place outside of bird nesting season (March – August).
- 10.136 KC Ecology have reviewed the submitted information and raise no objections, subject to conditions to secure the mitigation measures set out in the submitted EclA. As such, Officers consider the proposal to be in accordance with Policy LP30 of the adopted Kirklees Local Plan, Kirklees Council Biodiversity Net Gain Technical Advice, and NPPF (Chapter 15).

Trees

- 10.137 Policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodland of significant amenity. Furthermore, proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.
- 10.138 There are a number of trees in the immediate vicinity of the site, which are predominantly located in the existing railway station car park to the west. Officers note that these trees are located outside of the site's red line boundary. KC Trees highlight the amenity value of the nearby public realm trees, but note that the proposal would not directly impact them. No objections to the proposal have been raised in arboricultural terms. As such, the proposal is considered to be in accordance with Policy LP33 of the adopted Kirklees Local Plan.

Other Material Considerations

Contaminated Land and Coal Mining

- 10.139 Policy LP53 requires that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology will require the submission of an appropriate contamination assessment and/or land instability risk assessment. Furthermore, any development which cannot incorporate suitable and sustainable mitigation measures (if required) which protect the well-being of residents or protect the environment will not be permitted.

- 10.140 NPPF (Chapter 15) Paragraph 183 requires that proposals ensure that the site is suitable for its intended purpose taking into account the ground conditions and any risks arising from land instability and contamination, and that any contaminated land is remediated with works overseen by a competent person.
- 10.141 The site lies in a Coal Referral Area, which is an area considered to be at high risk resulting from its coal mining history and probability underlying unrecorded shallow coal mining works and associated features and hazards.
- 10.142 The applicant has submitted a Phase 1 Contaminated Land report in support of this application. This provides a preliminary Coal Mining Assessment which states that the site is at potential risk from past underground coal mining. The Coal Authority note that the submitted report is for information purposes only and does not provide the requisite assessment of the potential risks identified on the proposal. Notwithstanding this, the Coal Authority recognises that the applicant is willing to undertake a Phase 2 Ground Investigate report, which should include deep borehole analysis of the site which would in turn inform the extent of any necessary remedial/mitigation measures to ensure the safety of the proposal in relation to coal mining. Officers note the conditions proposed by the Coal Authority and secure them.
- 10.143 The Coal Authority and KC Environmental Health also note the moderate potential for the presence of ground/mine gas resulting from the area's coal mining heritage. Other potential sources of ground contamination at the site have also been identified, such as asbestos, heavy metals and certain hydrocarbons from other nearby uses, including the adjacent Huddersfield Railway Station.
- 10.144 As such, the submitted Phase I report recommends further Phase II intrusive ground investigations to ascertain the risks of contaminated land and ground/mine gas at the site. KC Environmental Health consider this to be an appropriate course of action and have recommended conditions to secure the necessary works. Officers agree with this approach and shall secure the relevant conditions if planning permission is granted.
- 10.145 Given the above, the proposal is considered to be in accordance with Policy LP53 of the adopted Kirklees Local Plan and NPPF (Chapter 15), particularly Paragraph 183.

External Signage

- 10.146 Policy LP25 requires that proposals for the alteration of existing shop fronts or installation of new shop fronts and display of advertisements on a Listed Building or within a Conservation Area should preserve or enhance the character and appearance of the building, the area in which it is located and any features of architectural or historical interest. Existing traditional shop fronts shall be retained and restored unless exceptional circumstances apply. Proposals for new shop fronts and advertisements must be of a high standard of design and be appropriate in style, scale and materials to the building and its setting.

- 10.147 Officers note that the proposed signage within this application is indicative only at this stage. Section 5.13 of the submitted Design and Access Statement notes that a separate advertisements consent application would be submitted to the Local Planning Authority for the external hotel signage.

Crime Prevention

- 10.148 A number of safety and security measures would be introduced to the proposed hotel. These would include, but are not limited to, ground floor windows to be made from laminated glass, provision of CCTV cameras, access controls (RFID/electronic locks) on certain entrances and doors, use of non-combustible cladding, and the provision of a reception desk panic button.
- 10.149 The West Yorkshire Police Designing Out Crime Officer has reviewed the application and has raised no objections to the proposal. Recommendations have been put forward for the use of internal laminate window film to be used to strengthen windows in publicly accessible places, although it is acknowledged that use of this material would only be appropriate if it does not harm the significance of the listed building. The applicant is also advised that the confidential advice given by the Counter Terrorism Security Advisors remains current.
- 10.150 Given the above crime and safety considerations, the proposal is considered to be in accordance with Policy LP24(e), NPPF (Chapters 8 and 12) particularly Paragraph 130(f), and Section 17 of the Crime and Disorder Act 1998.

Employment Generation

- 10.151 Policy LP9 states that wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training.
- 10.152 Section 5.30 of the submitted Planning Statement estimates that the proposed C1 hotel use could create between 20 and 30 Full Time Equivalent (FTE) jobs once operational which would likely cover a range of managerial, operational, and servicing roles (although no breakdown has been provided). The proposal could also create c. 250 jobs during the demolition and construction phases of development. Other incidental employment opportunities could also be created through third-party providers, such as off-site food preparation for conferences and parties, for example.
- 10.153 Officers note that the existing building has not been in use as a hotel since 2013. It is therefore considered that the proposed employment opportunities would be considered as new jobs. Officers also note that whilst a large quantum of construction-related jobs would be welcomed, these are likely to be temporary in nature. Notwithstanding this, the provision of new short and longer-term jobs resulting from the proposal is considered to be a material benefit to the application which would weigh positively in the planning balance of this application.

10.154 Given the above, Officers consider that the proposal is in accordance with Policy LP9 of the adopted Kirklees Local Plan.

Pre-Commencement Conditions

10.155 The officer recommendation includes pre-commencement planning conditions. Therefore, in accordance with Section 100ZA of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority will serve notice on the agreement of these conditions with the applicant prior to the decision being issued, if Members resolve to approve the application.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 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.

11.2 In assessing this application, Officers consider that there would be numerous public benefits resulting from the proposal which carry their own weight. These are considered to be:

- Bringing a disused Grade II* listed building back into beneficial use
- Preserving much of the historic fabric of The George Hotel
- Investment into Huddersfield town centre
- Opening up further Huddersfield Blueprint regeneration opportunities
- Short-term economic benefits during construction
- Long-term economic benefits from an increased tourism accommodation offer and events facilities
- Creation of 20-30 Full Time Equivalent jobs
- Provision of above 10% Biodiversity Net Gain
- The use being the optimum viable use for the listed building.

11.3 The 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. Therefore, planning application 2023/90024 is recommended for approval, subject to the imposition of the conditions as set out below and an agreement to secure the Sustainable Transport requirements for Travel Plan assessment and monitoring for five years.

12.0 CONDITIONS

1. Timescale – three years
2. Development in accordance with approved plans
3. Pre commencement condition for details for the proposed canopy to Block A – scaled drawings 1:20.
4. Pre-commencement condition for details of dropped kerb to be provided on John William Street adjacent to the hotel site into a full loading bay along with the footway being widened with a pedestrian crossing.
5. Pre-commencement condition for a waste management plan.
6. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted.
7. Pre-commencement condition for further / specific details of green roof (including substrate depth, watering details and confirmation that a sedum mat is not proposed).
8. Pre-commencement condition for the management of newly establishing trees.
9. Pre-commencement condition method statement regarding the protection of the existing trees and planting bed during the works.
10. Submission of a Travel Plan.
11. Pre-commencement condition for details of any works to retaining walls abutting the highway.
12. Pre-commencement condition for drainage scheme.
13. Pre-commencement condition for an Ecological Design Strategy (EDS) to ensure that a 15.80% biodiversity net gain is achieved.
14. Pre-commencement conditions for contaminated land investigation and remediation.
15. Pre-commencement conditions for intrusive site investigation with regard to the historic coal mining legacy.
16. Submission of a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development with regard to the coal mining legacy.
17. Pre-commencement condition for a Construction Environmental Management Plan (CEMP).
18. No site clearance works shall take place between 1st March and 31st August inclusive due to bird nesting.
19. No operational use of the doors on John William Street outside the hours of 0700hrs and 2300hrs Monday to Saturday and 0900hrs to 2300hrs Sunday.
20. The combined noise from any fixed mechanical services and external plant and equipment shall not exceed the background sound level at any time.

Background Papers:

Application and history files for full planning application (2023/90024).

[Planning application details | Kirklees Council](#)

Application and history files for related listed building consent application (2023/90112).

[Planning application details | Kirklees Council](#)

Certificate of Ownership:

Certificate B signed with notice served on Network Rail.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 08-Jun-2023

Subject: Planning Application 2022/91789 Erection of four industrial units for E(g)(iii) (light industry) use with associated parking and turning facilities with 10 storage units (within a Conservation Area) Land south of railway line, Scar Lane, Milnsbridge, Huddersfield, HD3 4PN

APPLICANT

B Good

DATE VALID

23-May-2022

TARGET DATE

22-Aug-2022

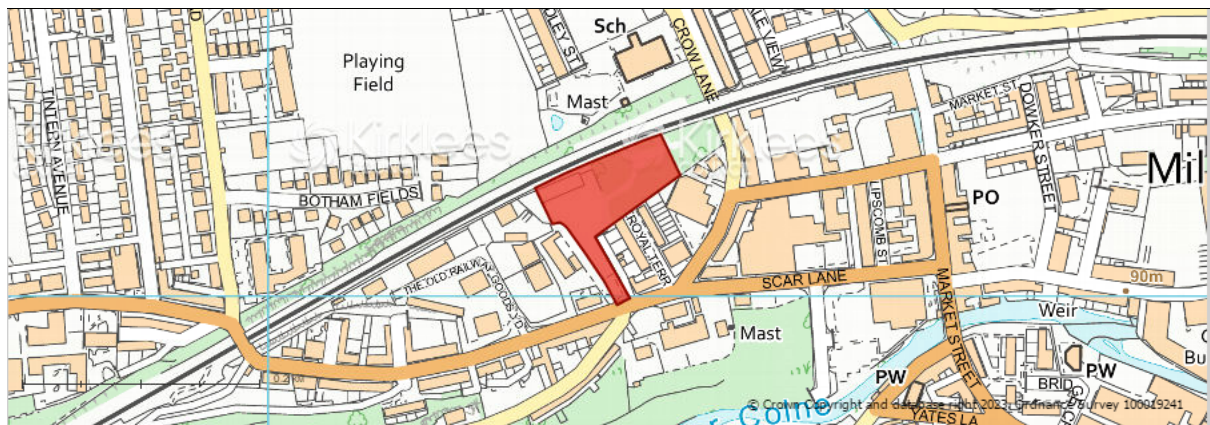
EXTENSION EXPIRY DATE

16-May-2023

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Golcar

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report, and to secure a Section 106 Agreement to cover the following matter:

1. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission (reference: 2022/91789) for the erection of four industrial units for E(g)(iii) (light industry) use with associated parking and turning facilities with 10 storage units (within a Conservation Area) at Land south of railway, Scar Lane, Milnsbridge, Huddersfield, HD3 4PN.
- 1.2 The application is brought before Strategic Committee for determination in accordance with the Council's Scheme of Delegation (Section A, 1, e) as the application is for non-residential development where the application site boundary exceeds 0.5ha in size. The application site extends to 0.66ha.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to land south of railway, Scar Lane, Milnsbridge, Huddersfield, HD3 4PN.
- 2.2 The application site measures approximately 0.66ha and is historically associated with the adjacent railyard. The site is currently vacant land with areas of overgrowth and self-seeded trees. The past use is evidenced by a derelict coal drop within the site, adjacent to the railway line which runs along the entirety of the north boundary. Near the site the railway line crosses over a Grade 2 Listed viaduct to the east.
- 2.3 The site is split into two parts by its topography. To the west, the larger portion of the site, is a lower-level flat area. To the east, up an existing banking, is a smaller and higher-level plateau. The site is accessed to the south, onto Scar Lane. The access is across from the junction onto Britannia Road. The access is existing, and currently serves commercial units to the west of the site.

- 2.4 Further west is the former railway yard, which is now an industrial estate, the 'Old Railway Good Yard', hosting several units of modern industrial buildings. To the east, and flanking the entrance, are residential units comprising terrace rows. The east dwellings are accessed from Royal Terrace Road. The site is within Milnsbridge Conservation Area.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of four industrial units for E(g)(iii) (light industry) use with associated parking and turning facilities with 10 storage units (Use Class B8) (within a Conservation Area).
- 3.2 The proposed buildings would provide 691sqm of E(g)(iii) (light industrial) floor space, over a mixture of single and two storey buildings. The building details are as follows:

Unit 1

This unit measures ~16m x 9.1m, with a ridge height of ~7.8m and is proposed on the 'lower level' of the site, along the southern boundary.

Unit 2 (split to also include units 3 & 4)

The unit (as a whole) measures ~28.3m x 9.1m, with a ridge height of ~8.5m and are proposed on the 'lower level' of the site, along the western boundary.

Unit 5

This unit measures ~15m x 8.1m, with a ridge height of ~8.6m and is to be located on the 'upper level' of the site, along the northern boundary.

Unit 6

This unit measures ~ 15.1m x 10m, with a ridge height of ~8.9m and is to be located on the 'upper level' of the site, along the northern boundary.

- 3.3 The proposed above units are to be constructed using a range of materials including larch timber cladding, reclaimed stone, and anthracite profiled metal roofing.
- 3.4 10 storage units are also proposed along the north-western boundary of the site. Each storage unit would have a total floor area of 19sqm and a combined total of 190sqm. The proposed units are to comprise converted shipping containers stacked upon one another (five on the ground, and five above), which are to be finished in matt black. Windows and door frames are also to be painted in black to match. The shipping containers are to be located independently within the existing coal chutes on the site, access would be retained around each of the containers.
- 3.5 Access is to be provided via the existing entrance onto Scar Lane. This access is to be improved and widened with a minimum width of 6m. 23 parking spaces are proposed within the site, two of which would be disabled spaces.

- 3.6 In terms of boundary treatments, a 1.8m high green (RAL 6005) palisade fence is proposed around the site boundary, with Amco car barriers proposed to the south of Unit 1 and to the north of the car parking area for Units 5 and 6.
- 3.7 It is anticipated that the site would accommodate circa 23 full time (equivalent) jobs. Hours of use are proposed as:

Monday – Friday: 07:30 – 19:00.

Saturday: 07:30 – 13:00.

With no Sunday or Bank Holiday working.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2021/91079 – Reserved matters application pursuant to outline permission 2019/90373 for erection of 4 industrial units for B1c (light industry) use with associated parking and turning facilities (within a Conservation Area). Withdrawn/Invalid 24th March 2021.
- 4.2 2020/92434 – Works to trees within a Conservation Area. Approved 1st September 2020.
- 4.3 2020/90202 – Work to tree in CA. Approved 2nd March 2020.
- 4.4 2019/90373 – Outline application for the erection of 4 no. industrial units for B1c (light industry) use with associated parking and turning facilities (within a Conservation Area). Approved 24th October 2019.
- 4.5 2010/93486 – Change of use and alterations to convert existing coal chutes to form 7 dwellings and outline application for erection of 4 dwellings (within a Conservation Area). Approved 20th December 2011.
- 4.6 2009/91509 – Outline application for the erection of 14 dwellings. Withdrawn 23rd November 2009.
- 4.7 95/92407 – Use of land as operations centre for storage of materials, vehicles and plant with erection of portable building, storage containers and fencing. Withdrawn 26th September 1995.
- 4.8 90/03086 – Change of use from scrap yard/storage to sale, repair and storage of caravans and sale of accessories. Approved 19th October 1990.
- 4.9 89/04226 – Change of use of land for haulage/skip and crane hire and scrap metal processing. Refused 1st June 1990.

Pre-application Advice

- 4.10 2021/20146 – Pre-application advice for the erection of four industrial units. Pending consideration.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Amendments were sought throughout the lifetime of this planning application. These amendments included additional information in respect to drainage following on from comments received from the Council's LLFA team and alterations to the layout of the site including the re-orientation of proposed unit 1 in the interests of both visual and residential amenity. Alterations to the proposed description were also requested due to a change in the use class order which resulted in a change to the proposed use class at the site.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site Notice – Expired 28th July 2022.

Press Notice – Expired 5th August 2022.

Neighbour Letters – Expired 2nd August 2022.

6.2 Two comments on the scheme have been received, these are summarised below.

- The opening hours should be amended to 07:30 - 18:00 instead of the 19:00 Saturday working hours.

Officer note: Noted. Both Planning Officers and Environmental Health Officers deem the submitted opening hours to be reasonable and suitable given their proposed use within a Priority Employment Area, adjacent to residential dwellings. Therefore, amended opening hours have not been requested on this occasion.

- Concerned over how far over adjacent neighbouring properties gardens unit 1 will be as it is two storeys in height. This unit should be moved more to the east to be more in line with houses than the gardens.

Officer note: Noted. Following receipt of amended plans the orientation of unit 1 has now been amended to run parallel with residential properties located on Royal Terrace.

- Neighbours have noted that they have rights of access to maintain the gable ends of their house.

Officer note: Noted. This would be a civil matter than would need to be dealt with by the relevant parties outside of this application.

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

Re-consultation was not undertaken on amended plans received, as the revisions were considered to reduce the overall impact upon adjacent neighbouring properties and therefore it was deemed that the public had been adequately alerted to the nature of the proposal from the publicity of the scheme as initially submitted.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Network Rail – No comments received within statutory timescales.

KC Historic England – Comments received 20th July 2022. No comment.

KC Highways Development Management – Comments received 26th July 2022. No objections subject to conditions.

LLFA – Whilst LLFA Officers did have initial concerns regarding the proposals, following the receipt of additional information and amended plans the Council's LLFA team now raise no objections to the scheme subject to conditions relating to the submission of a scheme detailing foul, surface water and land drainage, separate gravity drainage, drainage details, construction phase (temporary) drainage, and surface water attenuation. A Section 106 agreement is also required for the set up of a management company to perform stated maintenance and management tasks on installed sustainable drainage systems. A detailed maintenance schedule and itinerary is to be added at detailed design stage and prior to commencement of works.

7.2 Non-Statutory:

KC Ecology Unit – Comments received 17th February 2023. No objections but does recommend conditions relating to site clearance works, biodiversity net gain, lighting design strategy and the implementation of the Ecological Design Strategy.

KC Environmental Health – Comments received 16th August 2022. No objections subject to conditions.

Officer note: Whilst the applicant has sought to submit a landscape lighting plan to overcome the lighting condition requested by Environmental Health Officers, following discussions with Environmental Health it was concluded that additional information would be required over and above what has currently been submitted, most specifically they would require details of the hours of operation and the level of candelas emitted from the proposed lighting. Therefore, the original condition is deemed to still be necessary and will remain should planning permission be granted.

KC Conservation and Design – Comments received 9th August 2022. No objections subject to their comments being taken into consideration. These comments are discussed in more detail within the urban design section of this report.

KC Trees – Comments received 19th July 2022. No objections subject to conditions.

KC Public Health – Comments received 29th June 2022. As this sits outside the Rapid Health Impact Assessment Requirements, they provided no comments on the application.

West Yorkshire Police Designing Out Crime Officer – Comments received 19th July 2022. Provided advice and feedback, this is discussed in more detail further into the report.

8.0 PLANNING POLICY:

8.1 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).

8.2 The application site is located within a Priority Employment Area and falls within the Milnsbridge Conservation Area. It is also important to note that to the east of the site is a Grade II Listed Viaduct.

8.3 Kirklees Local Plan (2019):

- **LP1 – Presumption in favour of Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP8 – Safeguarding Employment Land and Premises**
- **LP9 – Supporting Skilled and Flexible Communities and Workforces**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP30 – Biodiversity and Geodiversity**
- **LP32 – Landscape**
- **LP33 - Trees**
- **LP35 – Historic Environment**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Air Quality**
- **LP53 – Contaminated and Unstable Land**

8.4 Supplementary Planning Guidance/Documents:

- Highways Design Guide SPD
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Visibility Guidance Note (2020)
- Milnsbridge Conservation Area Appraisal

National Planning Guidance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- 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

Climate change

- 8.5 The council approved Climate Emergency measures at its meeting of full Council on 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.
- 8.6 On 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

9.0 MAIN ISSUES:

- Land use / principle of development
- Urban design issues
- Historic environment
- Employment considerations
- Residential amenity
- Highway issues
- Trees
- Biodiversity
- Landscaping
- Drainage
- Adjacent railway infrastructure
- Land contamination
- Climate change and air quality
- Conclusion

10.0 APPRAISAL:

Land use / principle of development:

Sustainable Development

- 10.1 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 interdependent. 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.

Land Allocation - Priority Employment Area

10.2 The application site forms part of a larger Priority Employment Area (PEA). The PEA (ref: KR2) which has a gross area of 2.66ha. This application site has an area of 0.66ha.

10.3 LP8 states that:

'1. Proposals for development or re-development for employment generating uses (as defined in the glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area.'

10.4 The proposed Class E(g)iii (previously B1(c)) and Class B8 uses, fall within the Local Plan's definition of 'employment generating use'. This aspect of policy LP8 is therefore complied with.

10.5 The proposed provision of new employment floorspace designed to meet present-day employment needs is welcomed, as is the potential job creation associated with the proposed development.

10.6 Officers are satisfied that, given the separation distances and general suitability of adjacent commercial uses, the proposals would not cause conflict with the established employment uses. This will be considered in further detail in the assessment, where relevant.

10.7 Separately, policy LP7 of the Kirklees Local Plan outlines the following criteria when seeking to establish the 'effective and effective use of land and buildings':

'To ensure the best use of land and buildings, proposals:

- a. Should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;*
- b. Should encourage the reuse and adaption of vacant and underused properties;*
- c. Should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;*
- d. Will allow for access to adjoining undeveloped land so it may subsequently be developed.*

10.8 The above is echoed within Chapter 11 of the NPPF.

10.9 The site is considered to be previously developed land, and whilst naturalised to an extent, it can be considered brownfield land that is despoiled/degraded. Furthermore, it is considered to be of limited environmental value (considered further below). Whilst there are no vacant or underused premises to be re-used, the redundant coal drops to the north of the northwest of the site are to be incorporated into the development. Furthermore, the proposal would not prevent or limit development/redevelopment of the wider Priority Employment Area.

- 10.10 Also of note, the site has benefited from a recently-expired outline permission for a similar scheme in 2019 (ref: 2019/90373). Those earlier outline proposals were for the erection of four industrial units for B1c (light industry) use with associated parking and turning facilities. Whilst the layout of the site does vary from the layout submitted within this scheme, the principle of development is the same/similar. This outline permission expired on the 24th October 2022, however given the short timescales this application is considered to still hold weight in the decision making of this current scheme.
- 10.11 In conclusion, the proposal would provide an employment generating use within an allocated Priority Employment Area, whilst also representing an efficient and effective use of land. Therefore, the principle of development is considered to be acceptable.
- 10.12 Consideration must now be given to the developments impact upon the local area, this is assessed below.

Urban design issues

- 10.13 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 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.
- 10.14 Local Plan Policy LP24 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' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.*
- 10.15 Looking at the layout of the units, the site is separated into two parts due to the land levels within the site. As outlined previously the western portion of the site forms a lower-level flat area which then leads up to a smaller and higher-level plateau to the east. At the lower level of the site there is to be units 1, 2 (*split to also include units 3 and 4*), and 10 storage units within the existing coal chutes. Five car parking spaces are also to be provided. At the higher level there is to be units 5 and 6, with car parking for 18 vehicles located in between these buildings. This layout is deemed to be logical, with unit 1 angled to be in line with the row of dwellings located on Royal Terrace to the south to reduce the overall bulk and massing of the building. The proposal is not considered to be an overdevelopment of the site.
- 10.16 Looking at the scale and size of the units proposed, units 2, 5 and 6 are to be single storey in height, with unit 1 being two storeys. Units 2, 5 and 6 are considered to be reasonably sized and reflect other industrial units of this nature. While Unit 1 is to be larger in height and is to be located the closest to neighbouring residential properties, this building is to have a similar ridge height to 18 Royal Terrace and is to run parallel with this property, which helps to ensure that the overall bulk and massing of the unit is contextually-appropriate.

Officers therefore consider that this unit, whilst large in scale, would not appear as an alien feature within the site and would instead blend more seamlessly with adjacent residential properties. Given the above assessment, it is therefore considered that the proposed scale and size of the units are acceptable, harmonising well with both the adjacent industrial site and the surrounding residential properties.

- 10.17 In respect of the design and materials proposed within the units, Officers consider their linear and simple appearance to be typical of modern industrial units. These are evident elsewhere within the Conservation Area, most specifically within the adjacent site, whereby the use of larch timber cladding and reclaimed stone would allow the buildings to reflect existing industrial units found within The Old Railway Goods Yard (to the west). The proposed materials are discussed in more detail below.
- 10.18 In summary, the proposed development would improve the visual amenity of the area by regenerating what has historically been an untidy and derelict piece of land. This type of development would not be out of keeping with the surrounding area and the layout, scale and appearance of the development are such that the proposals would successfully integrate with surrounding development. Approval of samples of the proposed external materials can be secured by condition.

Historic environment

- 10.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.20 Section 72 of the Planning (Listed Buildings and 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.
- 10.21 Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.
- 10.22 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.”*
- 10.23 Paragraph 199 of the NPPF states that: *“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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

- 10.24 Paragraph 200 of the NPPF goes on to state that: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*
- 10.25 Paragraph 202 of the NPPF states that when a proposed development would lead to harm, it is necessary to achieve public benefits that outweigh the harm to the heritage asset.
- 10.26 Regarding the historic environment, the site is located within the Milnsbridge Conservation Area is also in close proximity to a Grade 2 Listed viaduct (to the east). The site was historically used as a railway goods yard and includes a row of derelict coal drops to the north-west of the site, adjacent to the railway embankment. Of note, the Milnsbridge Conservation Area has an Area Appraisal whereby its heritage value is considered to be its architecture and layout, which are quintessential of a Yorkshire textile village. The heritage value of the viaduct is considered to be its historic use and architectural design.
- 10.27 To the south of the site is Royal Terrace, which relates to two rows of terraced houses which date back to the late nineteenth and early to mid-twentieth century. To the west of the site is a long building which is understood to be a former stable building also associated with the railway yard but outside the proposal site, and behind this are a several modern industrial units in The Old Railway Goods Yard industrial complex.
- 10.28 Given the nature of the application and its location, the Council’s Conservation and Design Officer was consulted. They raise no objections to the proposals noting that the site is currently vacant and makes a negative contribution to the character and significance of the Conservation Area. It is also considered that the development’s impact on the setting of the listed viaduct would be low as most of the development would be set below the level of the railway line, with only two small single storey buildings proposed on the higher plateau of the site. Furthermore, the site is set back from Scar Lane and is well shielded by mature trees, with a stone boundary wall running along the Scar Lane boundary.
- 10.29 Moving on to the proposed materials, these are to include the use of vertical Siberian larch cladding, reclaimed stone and anthracite profiled metal roofing. These materials are considered to suit the industrial nature of the site, whilst also reflecting the traditional materials found within the immediate vicinity. However, approval of samples of the proposed external materials should be secured by a condition.
- 10.30 Whilst the proposed development on the site would change the context of the coal drops and setted surface and therefore would lead to less than substantial harm, Officers consider this harm to be outweighed by the public benefits of bringing this vacant site into a sustainable use and providing employment opportunities on the site. It is also mitigated by the proposed use of traditional materials, the incorporation of the coal drops into the proposed development and the visibility of this historic structure from the main entrance on Scar Lane.

- 10.31 Conservation and Design Officers noted that whilst ideally the stone boundary wall at the site entrance should be retained, if this is to be altered or widened it should match the layout and materials of the existing. Some areas of stone setts could also be retained to give an indication of the history and character of the site, and external material samples should be submitted for approval. This should therefore be secured via a condition.
- 10.32 It is therefore concluded that the proposed development is visually acceptable, and whilst less than substantial harm would be caused to the Conservation Area, this would be outweighed by the public benefits of the proposal. As such the scheme is considered to comply with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the NPPF and S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Employment considerations

- 10.33 Given that all the potential end-users are unknown at this stage it is not possible to specify the exact number of jobs that the development would support. However, within the submitted application forms it is outlined that 23 full time equivalent employees would be working at the site.
- 10.34 A number of the units proposed are small in scale and size, this is welcomed as it would help provide suitable accommodation for the start-up of new businesses. The provision of these modern light industrial and storage units would also help to support employment opportunities in the area and this weighs in favour of the proposed development and accords with Local Plan Policies LP3 and LP7 by utilising brownfield land for employment generating uses.

Residential amenity

- 10.35 Sections B and C of the Kirklees Local Plan Policy LP24 state that alterations to existing buildings should:
- “Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.*
- 10.36 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 occupiers.
- 10.37 The site is in a mixed-use area, with residential and commercial premises surrounding the site. The proposals are for light industrial units and storage which would fall within Use Classes E(g) and B8. Uses within Class E (including E(g)) are, by definition, considered uses which can be carried out in a residential area without detriment to its amenity, including industrial processes. As such, the principle of light industrial use is therefore acceptable in a residential area.
- 10.38 However, the proposed development is situated in close proximity to a number of residential properties to the south (located on Royal Terrace). The development of a light industrial site adjacent to residential properties could potentially impact upon residents. The question is whether the impact amounts to material harm upon their living standards.

- 10.39 The units of most concern include Units 1, 5 and 6. Units 5 and 6 would be located along the north/north-eastern boundary of the application site, approximately 30+ metres away from the nearest residential dwellings. Given these large separation distances Officers have no concerns in respect of overlooking, overshadowing, or these units appearing overbearing on adjacent neighbouring properties.
- 10.40 Moving onto Unit 1, following discussions with the applicant's agent the originally proposed Unit 1 has now been re-orientated to run parallel with the row of terraced properties on Royal Terrace. This has resulted in the majority of the bulk and massing of the unit being concealed by 18 Royal Terrace, with this comes the removal of six parking spaces and a new landscaped area, adjacent to 18 Royal Terrace's rear garden. Given this change in location and orientation, Officers now do not consider the proposals to appear overbearing or overly dominant on these adjacent neighbouring properties to the south, and whilst it is acknowledged that 18 Royal Terrace has a window within the side elevation (north) which would directly face onto the side elevation of unit 1, this window is obscurely glazed and serves a bathroom. The close proximity would cause some loss of outlook and overshadowing, however, as a non-habitable room this arrangement is not considered to cause significant material harm to the amenity of occupiers. The 0.8m gap would also ensure that this window remains openable. In addition, as no windows are proposed within the southern elevation of the unit, there are no concerns with regard to overlooking or the loss of privacy. Furthermore, given the southern location of residential dwellings on Royal Terrace, there are no concerns in respect of overshadowing, or the loss of light, on this occasion.
- 10.41 It is also noted that there is existing mature planting of which the majority would be retained along the southern boundary, as outlined within the submitted Landscape Management Plan. New replacement trees are also proposed to combat the loss of 3 trees located directly adjacent to unit 1. This existing and replacement planting will also provide a buffer and some screening for dwellings located on Royal Terrace.
- 10.42 The proposed hours of use are as follows:
- Monday to Friday: 07:30 – 19:00
Saturday: 07:30 – 13:00
Closed on Sundays and Bank Holidays.
- 10.43 The proposal is for light industrial use and storage, whilst no detail is given on the precise proposed use and occupation of the units. Consideration has to be given to any noise emissions from the use or associated use and how this may impact upon the amenity of nearby residential occupiers.
- 10.44 The Council's Environmental Health team were consulted and requested that a condition is attached, should planning permission be granted, for a noise impact assessment to be undertaken to consider the use of the site, any vehicles (cars/vans, FLT's etc.) and any fixed mechanical plant or other noise emissions. Another source of potential harm to amenity is the increase in vehicular activity to and from the site as well as movements within it, as this has the potential to give rise to noise disturbance. To ensure that this is limited as far as reasonably practicable, a condition restricting the hours of operation of the units (including deliveries) is recommended. This would help to prevent noise nuisance at unsocial hours, especially during the night.

- 10.45 Whilst it is acknowledged that Environmental Health Officers also requested a condition be attached in relation to the hours of construction, this would be included as an advisory note as this would be covered by separate legislation.
- 10.46 Furthermore, the proposals seek to install several lights around the site, details of which are outlined within the submitted Proposed Landscape Layout Drawing 211-PL-01 Rev A, Luminaire layout and illuminance calculation drawing from Light-sense dated 21 December 2021 (ref: LSC10356/1), and catalogues for Urbini LED and Urbino LED lights. Whilst these drawings and catalogues do provide some information, the Council's Environmental Health Officers have noted that the submission does lack some specific details in respect of hours of operation, and specifics of candelas to be emitted. Therefore, Officers recommend that a condition is included should planning permission be granted, for a lighting scheme to be submitted as per the requirements of the condition. This is in the interests of residential amenity.
- 10.47 Subject to the given conditions, Officers are satisfied that the proposed development would not cause significant material harm to the amenity of neighbouring residents, in accordance with the aims and objectives of LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Highway issues

- 10.48 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 111 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.
- 10.49 The proposal seeks to utilise the existing access onto Scar Lane, opposite Britannia Road. The access onto Scar Lane is to be improved to facilitate the proposed intensification of use. This includes it being widened to a minimum of 6m and the creation of a 2.4m x 40m visibility splay at the site entrance/exit, associated parking and turning facilities will also be provided.
- 10.50 The proposals seek to erect four industrial units for E(g)(iii) (light industry) use and an additional 10 storage units. Within the submitted Transport Statement prepared by Via Solutions it states that *'it is assumed that the upper level of containers would be for office use whilst the lower level and the other six units would be for small industrial and warehousing uses'*.
- 10.51 The Transport Statement also goes on to say that:

'A previous outline application (ref 2019 / 90373) for a similar development proposal was approved on 24th October 2019. This was for circa 1,370sqm gross of employment uses within 4 units.

This applicant seeks planning permission for the development of a commercial / employment use on the site. This is to take the form of six units in four blocks amounting to a total of 680sqm gross plus a total of 10 containers on two levels amounting to a total of 218sqm gross. Parking and turning areas are to be provided within the site...

...Vehicular access will be taken from the proposed site access onto Scar Lane.

Given the limited visibility to the west of site a speed survey was undertaken on 27th August 2018 for the previous approval to determine the required visibility to the west of site. The survey results showed that the 85th percentile wet weather speed of vehicles was 28.56mph which required a visibility splay of 2.4m X 40m visibility splay to the west.

This visibility splay can be achieved with the proposed alterations to Scar Lane to enhance visibility. These would narrow the effective carriageway on Scar Lane to provide the required visibility to the west.

At the proposed site access the overall carriageway width would reduce from 7.8m to 7.0m. The proposed gates will be set 16.5m into the site measured from the new edge of carriageway. The proposed site layout, road alterations and visibility splays are all as previously approved by the outline permission.

The internal layout will accommodate service refuse vehicles and emergency vehicles and all vehicles will be able to enter and leave the site in forward gear. A swept path analysis has been undertaken on the internal site layout based on the vehicles that will likely be utilised on site. This includes a 12m rigid vehicle turning around in the service yard and an 8.0m box van turning into the proposed upperlevel car park.

In terms of traffic generation, the same TRICs data has been used to calculate the level of traffic the proposed industrial development will generate. The traffic generations for the development will generate a total of 8 two-way vehicle trips within either of the peak hours.

The previously approved proposals on the site were for a slightly larger development and it was predicted that would generate a total of 13 two-way vehicle trips within either of the peak hours'.

- 10.52 Given the nature of the proposals and the above assessment provided within the submitted Transport Statement, the Council's Highways Development Management Officers raised no objections to the scheme given that the gross floor area to be provided, and therefore the traffic generation that comes with it, would be reduced when compared to the previous 2019 approval, and that the layout and access improvement from Scar Lane are the same as previous. They do, however, request that the highways conditions required by the previously approved outline application (ref: 2019/90373) be repeated for this application. These conditions related to the submission of a Stage 1 Safety Audit and Designer's Response, a Schedule of the means of access for construction traffic, and a requirement that areas indicated for parking should be marked and laid out before the development is brought into use.
- 10.53 Subject to the recommended conditions, planning officers and highways officers are satisfied that the proposed development would not harm the safe and efficient operation of the highway and therefore would be in accordance with the aims and objectives of LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the Highways Design Guide SPD.

Trees

- 10.54 Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.
- 10.55 As the proposals seek to remove several trees within the site, which benefit from the general protection granted by the site falling within a Conservation Area, the Council's Trees Officer was consulted. They noted that the proposals are similar to the previous outline application that was approved in 2019 (ref: 2019/90373), whereby the tree impacts are broadly the same and are deemed to be acceptable as the trees which are to be removed are considered to be of a low quality and their loss would be balanced against the proposed use of the site. Furthermore, the loss of trees towards the entrance would facilitate a better access arrangement and the trees adjacent to the end of Royal Terrace have been the cause of concern previously because of their unmanaged state.
- 10.56 The proposals also include detailed landscaping that seeks to provide for the replacement of trees lost amongst other things. The tree planting proposed totals 13 trees which are all to be silver birch – this could be improved by the introduction of a few other native species, but the Trees Officer is satisfied with the number of trees proposed and their planting specification.
- 10.57 Should planning permission be granted it is recommended that conditions of compliance to the tree protection and landscaping proposed be applied.

Biodiversity

- 10.58 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are 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.
- 10.59 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Through LP30, development proposals are expected to:
- (i) *result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;*
 - (ii) *minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
 - (iii) *safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
 - (iv) *establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
 - (v) *incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone*

10.60 The application is supported by an Ecological Design Strategy and an Ecological Impact Assessment. These reports have been reviewed by the Council's Ecologist who, based on the information submitted has no objections to the application subject to conditions relating to:

- Submission of a lighting design strategy for biodiversity
- No site clearance works to take place between the 1st March and 31st August unless checked by a competent ecologist.
- The habitats on site will need to be accounted for in a biodiversity metric calculation and a 10% net gain achieved post-development. This should be in accordance with Kirklees Biodiversity Net Gain Technical Advice Note.
- The submitted Ecological Design Strategy should be implemented as part of the proposed scheme.

10.61 Without mitigation development the site has the potential to result in significant ecological harm through impacts to foraging/commuting bats, roosting bats, nesting birds, loss of woodland and the spread of Himalayan balsam. Officers are satisfied that the above conditions would be sufficient to ensure that the proposal both preserves and enhances the surrounding ecological environment, in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Landscaping

10.62 In terms of landscaping, the applicant has submitted a Landscape Management Plan, Proposed Landscape Layout Plan and a Landscape Phasing Plan. These plans outline the works proposed throughout the site which includes the provision of 2m high acoustic fencing to the south of the site directing adjacent to the back garden of no. 18 Royal Terrace, an Amco car barrier along the northern boundary of the site between Units 5 and 6, and a 1.8m high green palisade fence around the entire boundary of the site.

10.63 A number of trees are to be retained, with the removal of nine trees to help facilitate the development. 13 replacement trees are proposed to be planted towards the front entrance of the site, and around the access from the 'lower level' to the 'upper level' of the site. Permeable gravel is also proposed to the side of Unit 6.

10.64 Within the submitted phasing plan, a landscape timetable outlines when the works are to be undertaken, this would be across three phases of between four months – 16 months.

10.65 As outlined within the Landscape Management Plan, until private areas are conveyed or the Management Companies take over, Dag Services Ltd will be responsible for maintaining all of the areas outlined within the Landscape Phasing Plan and Layout Plan.

Drainage

10.66 Local Plan Policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is Chapter 14 of the NPPF.

- 10.67 NPPF paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 10.68 Although the site is within Flood Zone 1 and is less than 1 hectare, and therefore a Flood Risk Assessment is not required under the NPPF, the site does have a specific issue in respect to surface water.
- 10.69 Whilst LLFA Officers did have initial concerns in respect to how the flow routes through the site would be maintained, unobstructed and that buildings would remain safe pre- and post-development, following the submission of further details, the LLFA are now satisfied that surface water flood routing has been dealt with within Drainage General Arrangement Plan LM22250-DYSE-XX-ZZ-DR-C-1001 P01. Whilst Officers welcome the submitted micro drainage calculations, they do still have some concerns in respect of the use of 100mm pipes for surface water drainage and seek validation of existing levels of the public combined sewer to verify that a viable connection point can be gained, therefore conditions are required to cover these issues should planning permission be granted.
- 10.70 Officers also raise concerns over the operation of a petrol or oil interceptor given that in storm conditions it would be surcharged. However, this can also be dealt with via condition. In addition, the use of crate storage is not recommended for maintenance and management reasons, therefore a detail of the final design for attenuation would also be required alongside information relating to further protection of pipework which has less than 1.2m cover. Again, these would be addressed via condition.
- 10.71 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the recommended Section 106 agreement, the proposal is considered by Officers and the LFFA to comply with the aims and objectives of LP24, LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Adjacent railway infrastructure

- 10.72 The site is adjacent to the railway network. Whilst no comments have been received from Network Rail, they did previously provide comments within pre-application ref: 2021/20146, which was for a similar scheme at the application site. Whilst Network Rail did not object to the proposed development, they did however, in the interests of safety, their operational needs and the integrity of the railway, request several informative notes and conditions to be relayed, if the council is minded to approve planning permission. These included the following:
- Drainage condition, ensuring that water flow and/or attenuation features are directed away from Network Rail land.
 - Erection of boundary fencing, as the proposal is likely to increase the risk of access/trespass onto the railway.
 - Armco barriers, in locations where construction vehicles would be close to the railway land.

- Construction methodology, to be submitted to Network Rail outlining how the construction will be managed to avoid interfering with the operation of the railway.
- Lighting strategy, to avoid the potential for lighting to dazzle passing train drivers.
- Landscaping, to avoid potentially harmful planting adjacent to the railway.

10.73 Officers are satisfied that each of these matters are material planning considerations and therefore the requested conditions are considered to be acceptable, passing the six tests for planning conditions, in the interest of safety, the operation needs and integrity of the railway.

Land contamination

10.74 With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality and stability is maintained as part of new development.

10.75 The site is identified by Environmental Health officers as potentially contaminated land due to its previous use as Goods Shed, Works and Sidings (map ref: 263/9). Pre-commencement conditions are therefore requested in respect to the applicant submitting a Phase 1 Preliminary Risk Assessment, Phase 2 Intrusive Site Investigation Report, the submission of a Remediation Strategy and implementation of the Remediation Strategy and finally the submission of a validation report. The implementation of these conditions is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Climate change and air quality

10.76 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.

10.77 In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, policies LP24(d) and LP51 of the Kirklees Local Plan and the West Yorkshire Low Emission Strategy Planning Guidance which seeks to mitigate against Air Quality harm. Given the scale and nature of the development Officers seek the provision of electric vehicle charging points at a rate of 10% of proposed parking spaces. The purpose of this is to promote modes of transport with low impact on air quality.

10.78 It is also noted that within the submitted Design and Access Statement there is reference to the buildings being constructed using locally sourced materials. In addition, the buildings would as a minimum be constructed to the latest Building Regulations standards which would include efficient heating and thermal elements within the buildings.

11.0 Conclusion:

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. The proposal seeks an employment generating use within an existing Priority Employment Area (PEA), which would not prejudice the existing use/re-development of the wider PEA. Therefore, the principle of development is considered to be acceptable.

11.3 Officers have considered the impact on residential properties nearby, whereby any potential harm would be suitably mitigated through conditions outlined below. Furthermore, the wider area has a mix of uses including industrial and commercial, therefore the proposed use is not out of context with the area. The design and appearance of the proposed units is considered acceptable, including in the context of the historic environment. It is also considered that the proposed access and highway impacts have been assessed to be acceptable, and that the scheme would not result in any undue drainage/flood risk impacts. Other planning issues, such as ecology and protected trees, have been assessed and identified not to be materially impacted upon. Overall, the proposal would see the redevelopment of a vacant piece of land and would represent a significant investment into the area, providing new jobs, which is welcomed. As such, the scheme accords with the purposes of the Kirklees Local Plan, National Planning Policy Framework and relevant Supplementary Planning Documents.

11.4 Taking the above into account, it is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development and Master Planning)

- 1) Time limit (three years)**
- 2) Development in accordance with the approved plans**
- 3) Noise Impact Assessment**
- 4) Hours of use of the site (including deliveries and opening times)**
- 5) Contaminated land investigation conditions**
- 6) Submission of a Lighting Strategy – outlining hours of operation and candelas (Environmental Health)**
- 7) Tree Protection – in accordance with the submitted Arboricultural Method Statement**
- 8) Implementation of Landscape Management Plan for a period of five years**

- 9) **Submission of a Construction Environmental Management Plan (including a schedule of the means of access to the site for construction traffic), and engagement with residents prior to submission**
- 10) **Submission of a Stage 1 Safety Audit and Designer's Response**
- 11) **Submission of a scheme detailing foul, surface water and land drainage**
- 12) **Site developed with separate systems of drainage for foul and surface water on and off site**
- 13) **Submission of a drainage scheme to restrict the rate of surface water discharge from the site**
- 14) **Submission of a drainage scheme which details temporary surface water drainage for the construction phase**
- 15) **Submission of a Lighting Strategy (Biodiversity)**
- 16) **Submission and approval of samples of external materials**
- 17) **No site clearance between 1st March and 31st August unless checked by a competent ecologist and approved by the Council**
- 18) **10% net gain to be achieved post-development in accordance with the Kirklees Biodiversity Net Gain Technical Advice Note**
- 19) **Implementation of the submitted Ecological Design Strategy**
- 20) **Conditions requested from Network Rail**
- 21) **Provision of electric vehicle charging points**
- 22) **Submission of details of hard landscaping throughout the site, including retention of stone setts to the entrance of the site**
- 23) **Stone boundary wall at the site entrance to be retained (if this cannot be retained it should be rebuilt to match the layout and materials of the existing wall)**

Advisory notes, as requested by consultees including Network Rail.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91789)
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91789>

Certificate of Ownership – Certificate A signed.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 08-Jun-2023

Subject: Planning Application 2023/90853 Erection of catering pod North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield, HD2 1DJ

APPLICANT

Sara Clough, KSSL
(Kirklees Schools
Services Ltd)

DATE VALID

15-Mar-2023

TARGET DATE

10-May-2023

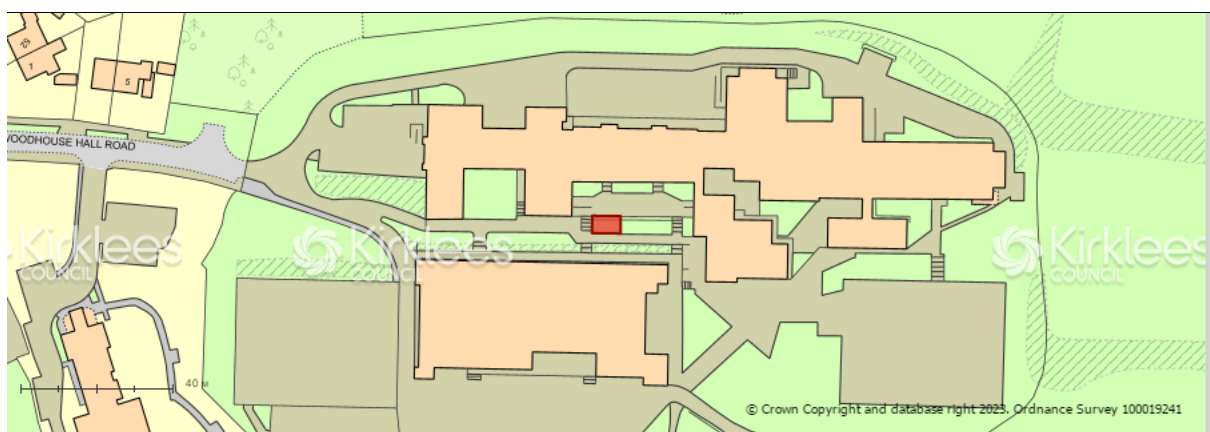
EXTENSION EXPIRY DATE

12-May-2023

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 Permission is sought for the erection of a single storey catering POD.
- 1.2 The application is brought to Strategic Committee as the proposal represents a departure from the development plan. The application site is situated on Urban Green Space.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield, HD2 1DJ. The site is made up of a number of buildings and structures used to support this education facility. The site is accessed from Woodhouse Hall Road to the west.
- 2.2 To the north, east and south of the school is open undeveloped land designated as Urban Green Space. To the west are residential properties and Astley Grange Care Home.
- 2.3 The site is not located within a Conservation Area and there are no Listed Buildings in close proximity.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of a catering POD.
- 3.2 The proposed catering POD is to be located within the middle of the school complex on an existing grassed seating area and measures approximately 3m x 2.6m, with a ridge height of ~2.6m.
- 3.3 The materials to be used on the catering POD include a purpose designed wrap, GRP roof, and white UPVC fascias and rainwater goods. A security roller shutter is also proposed which would be polyester powder coated.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2023/90509 – Erection of 2 storey, 5 classroom teaching block including toilet facilities and staff/storeroom. Pending consideration.
- 4.2 2023/90746 – Erection of one modular classroom unit. Pending consideration.

- 4.3 2011/92237 – Erection of signs. Approved 31st October 2011.
- 4.4 2008/90289 – Erection of perimeter fence. Approved 14th March 2008.
- 4.5 2000/92899 – Erection of extensions to dining hall and sports hall and external alterations. Approved 11th December 2000.
- 4.6 89/00782 – Erection of satellite dish receiver. Approved 31st March 1989.
- 4.7 87/05345 – Reinstatement of fire damaged areas of school. Approved 31st December 1987.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 No amendments have been sought as the proposals were considered to be acceptable upon submission.

6.0 PLANNING POLICY:

- 6.1 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).
- 6.2 The application site is located within Urban Green Space, Coal Referral Area, and a Bat Alert Area.

Kirklees Local Plan (2019):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP47 – Healthy, Active and Safe Lifestyles**
- **LP49 – Educational and Healthcare Needs**
- **LP50 – Sport and Physical Activity**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP53 – Contaminated and Unstable Land**
- **LP61 – Urban Green Space**

Supplementary Planning Guidance/Documents

- National Design Guide (2019)

National Planning Guidance:

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.4 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 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - 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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Final publicity date expires:

Site Notice – Expired 21st April 2023.

Press Notice – Expired 6th May 2023.

No representations have been received to date.

Officer note: This application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being a departure from the Kirklees Local Plan.

7.2 **Parish/Town Council**

N/A.

7.3 **Local Ward Members**

None.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning webpage.

8.1 Statutory:

Sport England – Comments received 20th April 2023. The proposed development is not considered to fall within either of their statutory remit or non-statutory remit and therefore Sport England has not provided a detailed response in this case.

The Coal Authority – Comments received 13th April 2023. No objections due to the nature of the proposals which is a lightweight single storey structure which will not require substantial foundations or earthworks. On this basis The Coal Authority do not consider that a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed. However, should planning permission be granted an informative note is recommended.

8.2 Non-statutory:

KC Policy – Comments received 3rd April 2023.

“The application site is located within the North Huddersfield Trust School complex. The school buildings associated school grounds and playing pitches are allocated as urban greenspace on the Kirklees Local Plan site (site UG48).

The proposal is for the erection of a new single storey catering pod to provide additional catering facilities for small scale hot and cold snacks/food located on a small part of a grassed area which provides an amenity green space between school buildings.

Local Plan Policy LP61 (Urban Green Space) does not allow for development proposals which would result in the loss of urban green space unless specific exceptions can be met. The policy states that:

“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.*

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

The proposal would result in the very minor loss of an existing green space within the school grounds and when assessed against the criteria set out in Local Plan policy LP61 it does not accord with this policy as the land is not surplus to requirements nor is the proposal providing replacement green space or for an alternative open space use. Whilst the loss of green space is not significant it nevertheless represents a departure from the development plan.

Consideration will need to be given to whether the circumstances of the proposed development constitute material considerations and what weight can be attached to those, given the UGS allocation in the development plan. The benefits of the proposed development relate to the catering operation of the school use which need to be weighed against the minor loss of small area of green space within the area of the school buildings which does not result in the loss of any sports or recreation space.

KC Environmental Health (Strategic Waste) – Comments received 28th March 2023. There are no closed landfill sites within 250m of the application address.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Other matters
- Conclusion

10.0 APPRAISAL

Principle of development

Sustainable Development

10.1 Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued on mutually supportive ways.

10.2 In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan states that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF”.

10.3 Policy LP2 of the Kirklees Local Plan states: *“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 set out in the Local Plan”.*

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

Urban Green Space

10.5 The application site is located within an area defined as Urban Green Space within the Kirklees Local Plan. As such, Chapter 8 of the NPPF and Policy LP61 of the Kirklees Local Plan applies. Policy LP61 of the KLP states the following:

“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a) An assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
- b) Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- c) The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space”.*

10.6 The text supporting this policy outlines that: *“Green spaces close to where people live provide opportunities for sport, recreation and play providing enjoyment, encouraging healthy lifestyles and benefiting mental well-being. They are also an essential component of the quality and local character of areas, providing visual amenity and wildlife value”.*

10.7 Paragraph 98 of the NPPF, which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of local communities. Furthermore, within paragraph 99 of the NPPF, it is clear that existing open space, sport and recreational facilities should not be built on unless:

- A) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- B) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a sustainable location; or*
- C) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

10.8 No assessment showing the open space is clearly no longer required has been submitted with the application. However, in this case, the application site relates to a small portion of land located between the existing built form of the school. The site is currently used for outdoor seating and provides no significant outdoor recreation or space for sports given its contrived location and design. As a consequence of this, it is considered that the proposal would not result in the loss of highly-valued Urban Green Space which is used for recreation facilities or sport. It is also considered that the site does not make an important contribution in terms of visual amenity, landscape or biodiversity value. Nevertheless, this would still represent a departure from the development plan, and consideration will therefore need to be given as to whether the circumstances of the proposed development constitute material considerations and what weight can be attached to those given the Urban Green Space designation in the development plan.

10.9 As this site is not used for sports or recreation, the proposal would not result in the loss of land for such activities, and there is considered to be no conflict with Policy LP50 of the Kirklees Local Plan. This view is also supported by Sport England who raised no objections to the proposals as they did not consider this portion of land to fall within either of their statutory remit or non-statutory remit and therefore Sport England has not provided a detailed response in this case.

Education Facility

- 10.10 Alongside the above, Policy LP49 of the Kirklees Local Plan also states that proposals for new or enhanced education facilities will be permitted where they:
- a) Meet an identified deficiency in provision; and*
 - b) The scale, range, quality and accessibility of education facilities are improved.*
- 10.11 This policy coincides with 95 criteria (a) of the NPPF which states that Local Planning Authorities should attach great weight to the need to create, expand or alter schools through the decisions on applications.
- 10.12 In light of the above, the submitted Design & Access Statement outlines that the proposed catering POD is required to facilitate the operation of the school and would enhance education provision by supporting the development of the established school use. This is due to there being a steady growth rate in students attending the facility since opening in 2011. The school has also now been selected to provide additional pupil places which will result in the requirement of an additional five classrooms which form part of a separate planning application at the site (application ref: 2023/90509). With this influx in additional students, there is a need for additional catering facilities to be provided on site, hence the current submission.
- 10.13 Having taken all the above matters into account, it is considered that material considerations apply, and that these outweigh the concerns regarding the proposed development of Urban Green Space. The proposals would be acceptable in principle subject to there being no detrimental impact in relation to other material planning considerations which are assessed in more detail below.

Urban design issues

- 10.14 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:
- “The creation of high-quality 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.”*
- 10.15 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.16 Policy LP24 states that proposals should promote good design by ensuring:
- “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape”.*

- 10.17 The proposals seek to construct a new single storey building measuring approximately 7.79sqm on a small, grassed area located within the middle of the school complex. This building is to be placed on paving flags (or similar sub-base) and is to provide catering facilities for students at North Huddersfield Trust School.
- 10.18 Given the small, subservient scale and massing of the building, and its location which would ensure that it would be viewed amongst other large two-storey structures, Officers consider the proposals to be subservient and not overly dominant within this location. As outlined previously the materials to be used on the catering POD include a purpose designed wrap, GRP roof and white UPVC fascias and rainwater goods. A security roller shutter is also proposed which would be polyester powder coated. Whilst these materials are not reflective of materials found within the existing school buildings, they are typical for this type of structure and result in a lightweight appearance which further supports the view that the POD would be an appropriate addition. It is therefore concluded that the proposal would not cause detrimental harm to the visual amenities of the locality and therefore is considered to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Residential amenity

- 10.19 Sections B and C of Kirklees Local Plan Policy LP24 state that alterations to existing buildings should:
- “Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.*
- 10.20 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 occupiers.
- 10.21 Due to the context and location of the proposed catering POD, the nearest residential properties (outside of the school complex) relate to the Astley Grange Nursing Home, which is located to the west of the school, approximately 129m away from the proposed development. Given this large separation distance, the small scale and size of the POD, the nature of the site, and that the proposed POD would be largely screened by existing buildings, Officers have no concerns with regards to the proposals appearing overbearing or causing harm in terms of overlooking or overshadowing on this neighbouring property.
- 10.22 Moving on to noise, Paragraph 185 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.
- 10.23 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.

- 10.24 As the proposals do not include the installation of any extraction units or plant, Officers do not consider the catering POD to provide a significant increase in noise over and above what already exists within the school complex. Furthermore, given its location within the middle of the school grounds, much, if any noise would arise from the POD would be buffered by the surrounding buildings, and the large separation distances from adjacent neighbouring properties.
- 10.25 For the aforementioned reasons, it is therefore concluded that the proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such would accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Highway issues

- 10.26 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 111 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.
- 10.27 Given the small-scale and nature of the proposed catering POD, which is to be used ancillary to the main school building and would be located away from the existing access and parking facilities, the POD would provide an additional catering service for small scale hot and cold snacks/food area for existing students. The catering POD is not anticipated to bring in any additional staff or pupils other than those outlined within the allied applications 2023/90509 and 2023/90746. Any impacts arising from the additional students on site will be assessed within the above applications and therefore based solely on the creation of a catering POD in this location, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the National Planning Policy Framework.

Other Matters

Climate Change

- 10.28 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.
- 10.29 LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

- 10.30 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposals are for the addition of a small-scale lightweight structure within the existing school grounds, Officers consider that the proposals would not have a significant impact on climate change that needs mitigation to address the climate change emergency on this occasion. The structure would be sufficiently robust for its intended use but could easily be removed and re-used if required.
- 10.31 Taking the above into consideration, the proposed development is deemed to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Biodiversity

- 10.32 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are 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.
- 10.33 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.34 Whilst it is acknowledged that the application site is located within a bat alert area, given the nature, location and small scale of the proposals, it is considered unlikely that any roosting bats would be impacted upon by the proposals in this instance. However, an informative will be included should roosting bats be found on site during construction works.
- 10.35 There are no other matters for consideration.

11.0 CONCLUSION

- 11.1 The application site is designated as an Urban Green Space in Local Plan and therefore proposed development would be contrary to Policy LP61. However, it is considered that there are material considerations which outweigh the development's harm and justify a departure from the Local Plan. These material considerations consist of a recognised need for improved facilities at the site to help the operation of the school and supporting the development of the established school use, which accords with Policy LP49 of the Kirklees Local Plan and Paragraph 95 of the NPPF.
- 11.2 Furthermore, 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. In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Approved plans and documents.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90853)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90853>

Certificate of Ownership – Certificate A signed.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 08-Jun-2023

Subject: Planning Application 2022/92097 Erection of two storey extension and alterations The Veterinary Hospital, 131, Somerset Road, Almondbury, Huddersfield, HD5 8HN

APPLICANT

Donaldson's Vets Ltd

DATE VALID

23-Jun-2022

TARGET DATE

18-Aug-2022

EXTENSION EXPIRY DATE

07-Oct-2022

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Almondbury ward (and site is opposite Newsome ward)

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

1. Financial contribution towards a Traffic Regulation Order to restrict on-street parking.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This report relates to the erection of a two-storey side extension including associated alterations. The proposal would form an open sided ground floor and allow for internal alterations to the existing building to enable the formation of further consulting rooms.
- 1.2 The site partially falls within an area of Urban Green Space. In addition, there are requests the application be determined by the planning committee from Councillors Cooper and McGuin.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to an existing veterinary practice which has recently been constructed. The building is of a stone construction with sections of dark grey panelling, and glazing within dark grey window frames. The roof is constructed from dark grey slates.
- 2.2 The building is of a relatively modern design with an open layout of the site to the southwestern boundary, and a mix of low-level shrubs / planting and mature trees adjacent to this boundary.
- 2.3 The boundary to the northwest of the site is adjacent to a public right of way (HUD/115/20). This runs to the north and east of the site. A low-level boundary treatment is in place along with shrubs and trees. The car park is to the front of the building (to the northwestern half of the site) with the building occupying the southeastern half.

2.4 Dark green weld mesh fencing exists to the northeastern and southeastern boundary with landscaping including shrubs and trees beyond. A footpath is also adjacent to the northeastern boundary providing access within an area of Urban Green Space.

2.5 The Urban Green Space is land to the southeast and northwest of the site and is an established recreation ground (Kidroyd) that is identified within the Kirklees Local Plan.

3.0 PROPOSAL:

3.1 The applicant seeks planning permission for a two-storey side extension which would be open sided at the ground floor. The proposal would have a footprint of 59sqm and would be of a parapet flat roof design. The extension would have a height of 6.2m and would be constructed from a mix of wall cladding materials, with the submitted plans showing zinc and timber which would be of a dark grey colour finish. The proposal features a projecting window to the front (northwestern) elevation.

3.2 In addition to the submitted plans / application form the following has also been submitted to accompany the application:-

- Travel Plan, dated April 2023
- Design and Access Statement (ref: R1066 451)
- Highways Technical Note, dated September 2021
- Highways Technical Note, dated October 2022

3.3 The submitted detail sets out that the proposed development would increase the consulting rooms upon the site from six to 10, and these would be used by the existing staff rather than by increasing staff numbers.

4.0 RELEVANT PLANNING HISTORY:

4.1 The most relevant planning history relates to the grant of planning permission for the existing vets. This permission was granted in 2017 under the description of 'Erection of veterinary hospital' and granted conditional full permission on 14th June 2018.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Amendments to the design of the scheme have been sought and negotiations undertaken in relation to an associated planning obligation which would require a financial contribution in the event of any grant of permission. The financial contribution would be used towards a Traffic Regulation Order in the vicinity of the site to control on street parking. The 'Proposal' section of this report sets out the specific amendments detailed within the amended plans which were received on 13th March 2023.

6.0 PLANNING POLICY:

6.1 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).

- 6.2 Part of the extension falls within Urban Green Space as identified within the Kirklees Local Plan. The site is also within an area with a known presence of bats and is within an area at low risk of ground movement as a result of former mining activity, as identified by the Coal Authority. The site is identified as potentially contaminated due to former use as landfill.
- 6.3 In relation to local and national planning policy, the following is considered relevant in the consideration of this application: -

Kirklees Local Plan (2019):

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP7 Efficient and effective use of land and buildings
LP21 Highways and Access
LP22 Parking Provision
LP24 Design
LP27 Flood risk
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP33 Trees
LP51 Protection and Improvement of Local Air Quality
LP52 Protection and Improvement of Environmental Quality
LP53 Contaminated and unstable land
LP61 Urban Green Space

Supplementary Planning Guidance / Documents:

Kirklees Highway Design Guide (adopted November 2019)
Biodiversity Net Gain Technical Advice Note

National Planning Guidance:

Chapter 2 Achieving sustainable development
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

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
Section 17 of the Crime and Disorder Act 1998 (as amended)
The Conservation of Habitats and Species Regulations 2017

7.0 PUBLIC/LOCAL RESPONSE:

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

7.2 The application has been publicised as a departure from the development plan and as a development affecting the setting a public right of way on the Council's website, by neighbour notification letter, site notice and by press advertisement. The expiry date of the publicity period was the 5th August 2022.

7.3 Two objections from local ward members, and a further 32 objections in addition, have been received, raising the following summarised concerns: -

- Donaldsons Staff are encouraged to use nearby streets to park.
- The parking plan of the original consent has not been followed.
- Resultant on street parking has a dangerous impact on visibility.
- HGVs struggle to navigate the roads due to the level of on street parking.
- Damage to pavements by the high level of on street parking.
- Technical Notes are inaccurate.
- No photos of the Longley Road junction or Broadgate Road junction in the Technical Notes.
- Kirklees Highways Team have not based the conclusion a Traffic Regulation Order is required on anecdotal evidence.
- Around 15 – 20 people arrive on Longley Road in uniform for the vets, park on street and walk to the vets.
- Very few cars in the locality on Sundays, suggesting the parking demand mid-week is linked to the vets.
- Cars have been parked blocking driveways.
- Monthly visit of a HGV to the vets causes problems on the highway.
- Police have been involved as well as councillors and the Highways Team in relation to the requirement of the Traffic Regulation Order.
- The October 22 Highway Note is simply a day in the life of the vets.
- Photo evidence has been provided by residents to the contrary of the October 22 Note.
- Propose resident permit parking, double yellow lines and markings to bus stops be introduced at the cost of the applicant.
- Difficult for disabled users of the highway due to on street parking.
- Parking has impaired elderly residents accessing ambulance(s).
- Photos provided showing staff parking on street.
- Impact of construction workers being able to park.
- The current parking situation has a detrimental impact to the quality of life of residents.
- Visual impact of the proposal not in keeping with the locality.
- Light spill from the site is intrusive.
- There has been hostility between staff and residents requiring the police to attend.

7.4 Whilst further information / amended plans have been submitted during the course of the application it was not considered they significantly amended the scheme from that as initially advertised such that further publicity of the application was required.

8.0 CONSULTATION RESPONSES:

- 8.1 Those consulted regarding the proposal and a summary in relation to their response is detailed as follows:-

KC Highways – No objection subject to condition and Section 106 agreement.

KC Designing Out Crime Officer – No objection, advises security measures be incorporated.

KC Trees – No objection.

KC Environmental Health – No objection subject to condition.

KC Ecology – No objection subject to condition.

Yorkshire Water – No response received.

KC LLFA – No response received.

KC Policy – No response received.

- 8.2 The response of the above listed consultees is discussed in greater detail within the 'Appraisal' section of this report.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Ecology issues
- Land quality / stability issues
- Safety and security
- Planning obligations
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 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.
- 10.2 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".

- 10.3 A small section of the site is allocated as Urban Green Space, within the Kirklees Local Plan. Part of the proposed extension would fall within land which falls under this allocation. Policy LP61 of the Kirklees Local Plan sets out that proposals that result in the loss of urban green space can only be permitted where an assessment shows the open space is clearly no longer required or replacement open space is provided or the proposal is for an alternative provision to help address identified deficiencies.
- 10.4 The proposal does not meet the requirements of policy LP61 and would see a small part of the site which is allocated as Urban Green Space developed with the construction of a building to serve the existing vets. In the event of any approval of the development, which would constitute a departure from the development plan, material considerations would need to be identified which indicate that the plan should not be followed.
- 10.5 In this case weight is afforded the fact the amount of green space to be lost would be minimal (approximately 5 – 6sqm). However, that consideration alone is not considered to justify its loss. In this case weight is also afforded the fact the green space allocation is within the site of the vets which is private land and the area which falls within the allocation has been part developed with a hard surface access and construction of a retaining wall.
- 10.6 the part of the site which falls within the Urban Green Space allocation is not realistically usable by the public for any purpose given there is a difficulty to access this part of the site and fact it has been part developed as part of the wider development of the site for a vets.
- 10.7 In this case it is considered that, on the basis the proposal meets the requirements of the development plan insofar as it is relevant to the consideration of this application (discussed within the following sections of this report) it is considered material considerations are present which indicate that a departure from the development plan is a reasonable and acceptable approach for the Council to undertake in this case.
- 10.8 Having regard to policies LP1, LP2, LP24 and LP61 of the Kirklees Local Plan and policies within Chapter 2 of the National Planning Policy Framework it is concluded that the proposal is acceptable in principle.

Urban design issues

- 10.9 Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.
- 10.10 The submitted details set out the intention is for the extension to be constructed from materials which contrast with those used in the construction of the existing building which is constructed from stone / slate with a dark grey section which incorporates glazing / dark grey panels.
- 10.11 The proposal would be dark grey timber cladding and dark grey zinc for the walls, with the design of the extension being a flat roof which incorporates a parapet roof design with a number of roof lights incorporated and a box window to the front elevation which incorporates windows to the side of the box and zinc cladding to the front.

- 10.12 The design of the extension was amended as amendment was suggested to incorporate the same material palette as the existing building and have a roof design which ties into the existing roof. Amendment to the scheme was undertaken such that the proposed roof aligns with the eaves level of the existing roof.
- 10.13 Further justification relating to the design was provided in the design and access statement which sets out at part 4.3 the intention is for a contemporary design with the lower timber part to be partly perforated allowing for light and air to flow the lower part of the proposal.
- 10.14 The statement continues that the colour finishes of the contemporary designed proposal, which would be dark grey, would complement the colour finish to parts of the existing building.
- 10.15 Whilst the design of the proposal varies from that of the existing building it is considered that the amended scheme details a size and scale of extension to the building that would read as a contemporary designed addition which suitably compliments the design ethos of the existing building. It is considered that the siting of the extension further reduces the impact the extension would have given it is of reduced visibility within the site or from public vantage points.
- 10.16 The use of materials which differ from the existing building is considered to be suitably mitigated by the fact they would be of a colour finish which is already present upon the existing building. It is recommended the materials and colour finish is secured by condition upon any grant of permission.
- 10.17 Subject to inclusion of the recommended condition, it is considered that the proposal is acceptable with regard to visual impact and would meet the requirements of policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework in relation to impact upon visual amenity.

Residential amenity

- 10.18 Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.
- 10.19 The nearest residential property is at a distance of 65m to the southwest of the site. It is considered that the proposal would not significantly impact upon residential occupiers in the vicinity of the site in relation to leading to overlooking, being overbearing or leading to unacceptable levels of overshadowing given the distance the proposal is sited from nearby dwellings and the size and scale of the proposal.
- 10.20 The Council's Environmental Health Team advise that in relation to construction noise they recommend the hours of construction are limited. Taking account of the scale of the proposal and distance of neighbouring dwellings from the part of the site to be developed it is considered it would be unreasonable of the Council to require specific hours of construction as a condition of any grant of permission. It is recommended that an informative note be included upon any grant of permission drawing the applicant's attention to the hours recommended by the Environmental Health Team and the powers, in law, that are available to them if noise from construction is at a nuisance level.

- 10.21 Lighting has the potential to impact if it is unsympathetically installed. Given the recommendation for a lighting scheme to be submitted in relation to impact upon wildlife (discussed in the 'Ecology Issues' section of this report) it is considered that this matter can be controlled such that lighting does not detrimentally impact upon neighbouring residential occupiers. It is therefore concluded that the proposal meets the requirements of policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework in relation to impact upon residential amenity.

Highway issues

- 10.22 Policies LP21 and LP22 of the Kirklees Local Plan, The Council's adopted Highway Design Guide and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.
- 10.23 The application has been submitted with accompanying documents relating to the impact of the proposal upon access and highway safety. These being two Highway Technical Notes (one dated September 2021, the other dated October 2022) and a Travel Plan (dated April 2023).
- 10.24 The September 2021 Highway Technical Note sets out that the site has been in operation since 2019 and hosts 42 parking spaces. The statement goes on to detail that the proposal would increase the number of consulting rooms from six to 10 and all parking spaces would be retained. The additional rooms would be utilised by existing staff with the intention being that the proposal would reduce the time which users of the site are required to be present and would reduce waiting times.
- 10.25 The September 2021 Technical Note considers that creating additional space will neither increase nor decrease the number of animals needing treatment but reducing waiting times will decrease the length of time each parking bay is occupied for each client visit and this will in turn decrease any congestion in the car park. On-street parking is addressed within the statement with the conclusion that there was little change in the level of on street parking on the surveyed sections of road irrespective of the use of the car park. The roads surveyed being either side of the junction with Broadgate, Broadgate, Kingsley Road and Foxglove Road.
- 10.26 Within the consultation response of the Council's Highways Officer, dated 10th August 2022, they note that no trip generation details were included in the September 2021 Technical Note. They confirm in their response that the Highway Safety Team has a number of records of complaints of dangerous and unsociable parking having been undertaken since the vets opened. The Highway Safety Team are currently looking into introducing a Traffic Regulation Order to restrict parking.
- 10.27 Within the response of the Council's Highways Officer it is confirmed that the Highways Safety Team concluded that the current parking problems are being caused by employees at the veterinary hospital parking on the surrounding residential streets rather than in the existing car park. It should be noted that the parking complaints started prior to any Covid compliant working practices being required and so the problems are not based on the pandemic working arrangements. The conclusion of the Highways Officer within their August 2022 response is that they are unable to support the proposals until existing parking issues have been satisfactorily addressed.

- 10.28 Following this response, the applicant submitted a further Highways Technical Note (dated October 2022). This reiterated that the proposal would be to improve the time it takes to deal with users of the site, by existing staff, and that they consider this to subsequently ease the parking demand as there would be less overlap of users of the site. It is further detailed that residents have been provided with a point of contact should parking associated with the vets cause issues. Confirmation is provided that whilst there is in fact 42 spaces available on the site and one would be removed, the approved level of 41 spaces would still be achieved.
- 10.29 Within the October 2022 Technical Note a photographic survey is provided of the local highway taken at varying times of day (9am, 11am, 1pm, 3pm and 5pm). The survey concluded that 1 / 2 spaces for cars were available within a layby on Somerset Road for most of the day (with 2 cars there all day). The layby on Somerset Road is identified within the survey as having 2 – 3 cars parked there all day. On Longley Road it was observed there was no obstruction and ample capacity all day. Parking on the section of Broadgate between Somerset Road and Templar Drive would appear to be busiest at around 7am, demand is concluded as light with no obstructions created to through traffic on Broadgate.
- 10.30 The conclusion of the October 2022 Technical Note is that the evidence provided leads to the conclusion there is ample capacity for on street parking throughout the day and that the proposal would not materially change the parking and traffic demands.
- 10.31 The Council's Highways Officer has set out their response to the October 2022 Technical Note in their consultation response dated 7th February 2023. Within their response they confirm that on the basis of observed photographic evidence and an investigation into the resident's parking concerns carried out by the Kirklees Highway Safety team as part of the proposals to introduce Traffic Regulation Order restrictions for parking within the area, it is considered there is a valid requirement for a Traffic Regulation Order.
- 10.32 The Highways Officer adds that the 'spot photographic survey' represents a brief snapshot and is not a thorough evidence base to draw meaningful conclusions from. They note the 2017 permission for the vets and requirements of the conditions of that permission, and advise that it is clear there still remains an issue in relation to parking demand.
- 10.33 The conclusion is made, by the Highways Officer, that the current proposals, although not considered as being severe in themselves, are expected to increase trips to the site and, when added to the existing issues and concerns caused by the site, would add a cumulative effect on to the problems experienced in the immediate area.
- 10.34 They advise that in light of the submitted details and identified issues, they consider it reasonable and necessary that a contribution to the Traffic Regulation Order be made to mitigate the impact of the development. They recommend that a proportionate figure is £5,200 in this case as the proposal relates to the extension / subsequent intensification of the existing use of the land. They further recommend a full parking survey, with the scope agreed by the LPA, be undertaken as part of a wider requirement to submit a Travel Plan.

- 10.35 Following on from the consultation response of 7th February a Travel Plan has been submitted by the applicant. The Highways Officer confirmed that they consider the travel plan to require further detail, in particular membership of the West Yorkshire Combined Authority (WYCA) Travel Plan Network and the management of the car park to ensure staff parking is provided to a suitable level (a suitable level being one that doesn't cause parking issues on the surrounding streets).
- 10.36 It is clear from the detail submitted, responses of the Highways Officer and the content of third party representations there is a high level of demand for parking in the locality. Whilst this fluctuates and may not be as intensive some days as others, it is clearly a matter which is having an impact upon the operation of the highway network. In addition to users of the site, those using the nearby Urban Green Space may also utilise on street parking to do so.
- 10.37 It is considered that the proposal would lead to a greater capacity in the operation and also size of the existing vets which has the potential to further exacerbate the existing identified issue.
- 10.38 It is therefore concluded that it is a proportionate and reasonable approach to require a financial contribution by the applicant to ensure that suitable mitigation in the form of a Traffic Regulation Order forms part of this application. In addition a condition is also recommended to be included requiring the submission of a suitable Travel Plan that is considered to be acceptable by the LPA.
- 10.39 Subject to inclusion of the recommended condition, and a Section 106 agreement being in place to secure funds to contribute to a Traffic Regulation Order in the vicinity of the site, it is concluded that the impact of the development upon access and highway safety can be suitably mitigated to ensure that the development accords with the aforementioned policies.

Ecology issues

- 10.40 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are 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.
- 10.41 Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.
- 10.42 The proposal would see further development of the site which is in proximity to existing areas of woodland. There would be no removal of existing woodland / habitat as part of the development.
- 10.43 The Council's Arboricultural Team have advised that they consider there to be no trees of significance in the location of the proposal and whilst there are numerous small trees to the north and east the site hoarding would prevent any accidental damage and the trees are young such that they would adapt to the development. They confirm they have no objection to the proposal.

- 10.44 The Council's Ecology Team have advised that they consider the proposal is acceptable subject to condition relating to lighting design and recommend any grant of permission requires a scheme to be submitted to the LPA which identifies areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory (such as for foraging). In addition, the submitted scheme shall be required to show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their breeding sites and resting places.
- 10.45 It is considered that the ecological impact of the development, including the impact upon trees, would not be significant given the scale and nature of the development which is proposed. The inclusion of the condition recommended by the Ecology Team would ensure that artificial lighting would be suitably controlled and would ensure the ecological impact of the development is acceptable.
- 10.46 Subject to condition the proposal is considered to be acceptable in this regard, in accordance with policies LP30 and LP33 of the Kirklees Local Plan, paragraphs 174, 180, 181 and 182 of the NPPF and the requirements of The Conservation of Habitats and Species Regulations 2017.

Land quality / stability issues

- 10.47 With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality and stability is maintained as part of new development.
- 10.48 The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.
- 10.49 The Council's Environmental Health Team have confirmed, within their consultation response, that the site is close to land identified as potentially contaminated by its former use as landfill. They note that the existing development of the site was undertaken with an assessment of land quality and consider that the proposal is acceptable subject to condition that should unexpected contamination be encountered during construction all works cease and a scheme of investigation, remediation and verification in relation to land quality be submitted to the LPA for written approval.
- 10.50 It is considered that, subject to inclusion of the recommended condition, and informative note, the proposal would be acceptable in relation to land quality / stability in accordance with paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan.

Safety and security

- 10.51 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to 'do all that it reasonably can to prevent crime and disorder in its area'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 92 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 10.52 Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.
- 10.53 The proposal is within an existing developed site, which benefits from a number of established security features including boundary fencing and CCTV. The West Yorkshire Police Designing Out Crime Officer has been consulted regarding the proposal. Within their initial response they set out a number of measures / amendments they recommended be considered for incorporation within the scheme. This included amending the ground floor of the proposal such that it does not have an open access.
- 10.54 The applicant has confirmed their intention for the open sided design and considers that suitable CCTV and lighting is in place to ensure the proposal would not lead to a significant impact resulting from crime / anti-social behaviour. The Designing Out Crime Officer has advised that in light of existing measures they do not object to the proposed development.
- 10.55 Having regard to the existing measures on site, submitted detail and response of the Designing Out Crime Officer it is considered the proposal is acceptable with regard to safety and security.

Planning obligations

- 10.56 As discussed within the 'Highway issues' section of this report, a financial contribution of £5,200 to mitigate the impact of the development, due to resultant on street parking demand upon the local highway network, is considered necessary to make the development acceptable in this case. This is recommended to be secured by Section 106 agreement.

Representations

- 10.57 Insofar as they are not addressed elsewhere within this report, the following summarised representations are addressed as follows:-
- There has been hostility between staff and residents requiring the police to attend.
- 10.58 It is considered this is a matter which can be afforded little weight as a consideration that is material to the determination of this case as separate powers are in place to control such issued.

11.0 CONCLUSION

- 11.1 The proposed development is considered to have an acceptable impact in regard to the principle issues discussed within the 'Appraisal' section of this report. The proposal will contribute to the continued operation of an established business and would see the marginal loss of an area of land allocated as Urban Green Space for which there is little realistic opportunity for it to be used by the public. Material considerations are therefore considered to be relevant in this case which justify the approval of planning permission in light of the fact there is an identified departure from the development plan relevant to the consideration of this application.
- 11.2 The NPPF 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 proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list - full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Standard three year commencement deadline
2. Development in accordance with Approved Document Schedule
3. Requirement that the materials of construction accord with the details submitted
4. Submission of a Construction Environmental Management Plan, and engagement with residents prior to submission
5. Submission of a Travel Plan
6. Submission of a lighting design strategy for biodiversity
7. Submission of land quality assessment should unexpected contamination be encountered

Informative Notes:

1. Coal Authority Standing Advice
2. Construction hours / noise

Background Papers:

Application and history files.

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