
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2013/93746 Partial Demolition of existing Listed Building and erection of 1no. A1 retail store and 2no units (A1/A2/A3 use class) at ground floor and offices (B1 use class) at first floor level with associated parking, servicing and landscaping (Within a Conservation Area) 43, Northgate, Almondbury, Huddersfield, HD5 8RX

APPLICANT

Richard Wood, c/o agent

DATE VALID

12-Feb-2016

TARGET DATE

13-May-2016

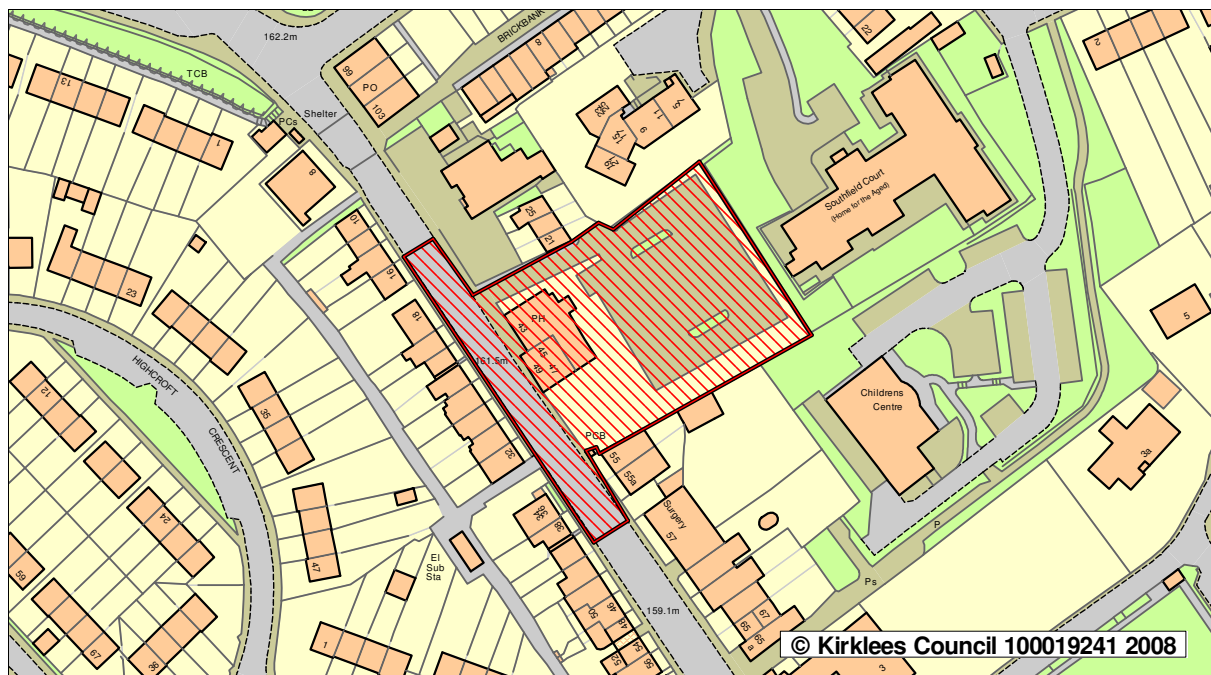
EXTENSION EXPIRY DATE

13-May-2016

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

No

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to negotiate further amendments to the submitted scheme to mitigate harm to the residential amenities of no. 55 Northgate, complete the list of conditions including those contained within this report and issue the decision.

1.0 INTRODUCTION

- 1.1 The proposed development is referred to the Huddersfield sub-committee due to the level of representation received and due to a request received from Cllr Wilkinson shortly after the application was originally submitted. At that time Cllr Wilkinson also requested a site visit. The reasons Cllr Wilkinson requested the application be determined by the committee were:

- 1 Impact on the conservation area
- 2 Impact on a listed building
- 3 Level of representation

1.2 Could Members note that following the recent submission of additional detail by the agent concerning the potential impact on no55 Northgate, officers are of the view that the current proposal represents an unacceptable impact on the amenity of the occupiers of no55. Consequently, amended plans have been requested from the applicant in order to further reduce the impact of the proposed development on no55 Northgate. Revised/amendments plans will be reported to committee as an update, if these are received before the meeting.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located in the heart of Almondbury Village, fronting Northgate which is the main street running through the village. It falls within the wider Almondbury Conservation Area. The site is occupied by a redundant, Grade II listed building, which was previously used as the Rose and Crown public house. The building incorporates two main building entities from two distinct eras. This includes an ashlar stone, principal building which fronts Northgate and a stone element (which was historically the original building) which is slightly recessed behind the principal building. Both elements of the building are attached and listed under the same listing. Between the building and number 55 Northgate is the former garden to the public house that is fronted by a stone boundary wall that adds a sense of enclosure to the street scene.

2.2 For the purpose of this report, reference to 'building' refers to the whole of the former Rose and Crown public house building.

2.3 Northgate is the main road through the village of Almondbury linking Somerset Road with the historic core of the village around the All Hallows Church. Northgate is a mix of shops, small retail units and residential with a mix of ages and styles. Immediately to the north of 43 Northgate is the existing Co-operative retail unit, which is set back from the road, which is single storey and of modern construction along with the associated car park. Immediately to the south are two semi-detached dwellings and a Doctors Surgery which are a Grade II listed and date from *circa* mid 19th Century. On the opposite side of Northgate lie traditional stone built terraced properties which directly front the street.

2.4 In terms of access, there is a car park to the rear of the building which now forms an informal parking area for shoppers and the like. Access to the car park is taken on the northern side of the existing building.

- 2.5 The existing building is situated in a prominent position along Northgate. It is currently boarded up and is in a partial state of decay. The main element of the building is constructed of ashlar stone and has a hipped roof. The historic building element which formed the main entrance to the Rose and Crown is constructed of traditional stone materials and is recessed behind the attached ashlar stone building element. Architectural detailing includes stone headers and cills with sash windows in each opening. There is a stone wall which adjoins the street to the south of the building providing a strong boundary with Northgate. In the south western corner of the site is the location of a blue Police Box which is Grade II listed (although not presently on site).
- 2.6 The site slopes gently from the street towards the back of the site. Large parts of the southern portion of the site are overgrown with grass and this boundary adjoins no55 Northgate. Both a dwelling and a boundary wall divide the site from this property. A large number of trees divide the site from a care home which lies to the east. Immediately adjoining the northern boundary of the site are three terraced properties which appear to share access from Northgate with the site (nos. 21-25 Northgate).

3.0 PROPOSAL:

- 3.1 The proposed development has been amended significantly whilst being processed. In summary, alterations have been made to the layout and uses proposed in order to lessen the impact on the main Grade II listed building, in order to promote good design and in order to reduce the impact on residential amenity. The scheme now comprises the following:

Demolition

- 3.2 Partial demolition of the former Rose and Crown public house along with the removal of internal walls and other works necessary to convert the building into retail/commercial and office use. Due to the complex nature of the building, the amount of alterations already carried out and the history of its development, the proposals are split into the various parts of the building as follows:-
- 3.3 *Original building:* The front of the building has an existing porch; to the north of this the existing building would be demolished, including the internal walls on the ground floor which once formed the rear of the inn before the building was extended in the early 20th Century. This extension would be completely removed on the ground floor. The upper floors are to be retained as existing apart from the demolition of the north end of the building.
- 3.4 *Principal Listed Building:* This would remain as existing both on the ground and first floor but will be repaired to ensure its long term retention.

Building works

Unit A

- 3.5 Erection of a single storey A1 (food) retail unit with a retail floor space of approximately 280m² and associated storage area. The unit would be attached to Unit B, the link would form a foyer. The building would also include a point of access to the side of the building facing the proposed access.
- 3.6 Access to the rear of the building for deliveries is proposed to the rear, adjoining the car parking area.

Unit B

- 3.7 The erection of a two storey unit attached to, and incorporating the, existing Grade II listed building in order to create a use falling under the A1/A2/A3 use class, including a new foyer with office accommodation at first floor level. The total floor area of the ground floor unit would be 195m².
- 3.8 As detailed above, in order to facilitate Unit B, the proposals involve partial demolition of the existing Rose and Crown public house comprising the removal of a large proportion of the recessed element of the existing building which formed the main entrance to the public house. The Ashlar building would remain, along with a large proportion of the rear of the adjacent building.
- 3.9 The two-storey extension includes a shop front which would wrap around the front and side of the proposed extension.

Unit C

- 3.10 Erection of a two storey building facing Northgate which would incorporate A1/A2/A3 use class at ground floor level and office accommodation at first floor level. The building would be constructed of stone and include a pitched roof. The total floor area of the ground floor unit would be 109m².
- 3.11 There would be an entrance door to the front of the building, facing Northgate.

Other Works

- 3.12 The proposed development includes a courtyard area which would be situated between Unit B and Unit C fronting Northgate. The courtyard is proposed in front of a proposed single-storey link extension which would be constructed between Unit B and Unit C.
- 3.13 Parking is proposed to the rear of Unit A comprising a total of 30 spaces with 2 disabled spaces.

4.0 BACKGROUND AND HISTORY:

4.1 The recent planning history of the site is detailed below:

2014/90001 - Listed Building Consent for partial demolition of a building (within a Conservation Area) – Subject of a separate report to committee.

4.2 There are records of two historic enforcement notices being served at the property in 1991. These relate to breaches of planning control regarding the erection of a satellite dish without planning and listed building consent.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was originally submitted in January 2014 for the complete demolition of the building with the intention of building a new retail store on the site. Due to the level of objections received from local residents and the statutory consultees, negotiations took place to retain as much as possible of the original buildings. Revised plans and a heritage impact assessment were received showing the retention of one external wall to the principal listed building which again attracted a number of objections. Following further discussions with the agent and applicant the current plans were received showing the retention of much more of the building.

6.0 PLANNING POLICY:

6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

6.2 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).

6.3 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The land is designated within the Almondbury Conservation Area within the UDP and Publication Draft Local Plan (PDLP). It is designated as being within the Almondbury district shopping centre boundary within the PDLP and within a local centre on the UDP.

UDP Policies:

BE1 - Design
BE2 - Design of new development
BE5 – Development in Conservation Areas
BE11 – Natural Stone
BE16 – New Shop Fronts/Alterations to Existing Shop Fronts
BE17 – New Shop Fronts on Buildings within Conservation Areas or Listed Buildings
BE20 – Accessibility to shops for people with disabilities
BE23 – Crime Prevention Measures
EP4 – Noise Sensitive Development
G6 – Land contamination
T10 – Highway Safety
T14 – Pedestrian Routes
T19 – Off-street Parking
S1 – Town Centres

Emerging Local Plan policies:

PLP3 – Location of New Development
PLP7 – Efficient and effective use of land and buildings
PLP13 – Town Centre uses
PLP14 – Shop frontages
PLP16 – Food and drink uses and the evening economy
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP25 – Advertisements and shop fronts
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality

- 6.4 Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development and Development Affecting the Setting of a Listed Building and Conservation Area. Amended plans have been submitted during the course of the application and the application has been re-advertised. A total of 68 objections have been received and 106 letters of support. These comments can be summarised as follows:

Objections:

Note – unless otherwise stated, objections are addressed in the main body of the report.

- Loss of historic building and public house.
- Shops/commercial units would threaten local businesses.
- Building close to boundary walls which are listed
- Noise from the proposed uses
- Lead to disorderly/anti-social behaviour
- Additional traffic on roads
- Close proximity of building to no55 Northgate

Officer Response - Amended plans have been requested in order to further reduce the impact on no55 Northgate.

- There is Japanese Knotweed on the site

Officer Response - The removal of any Japanese Knotweed must be carried out in accordance with good practice. An informative is recommended in this regard.

- Proposed flat roof link extension out of character.
- Residential development on the site unacceptable

Officer Response – Residential development is no longer proposed.

- Currently 45 car parking spaces and the proposal would reduce the number of spaces.
- Insufficient space to accommodate deliveries.
- Impact on structural integrity of nearby properties

Officer Response – Building Regulations would control the detail of the building works proposed.

- Disruption during construction works

Officer Response – Condition recommending Construction Management Plan.

- Poor disabled access. Steps without handrails are not acceptable. Too much distance between disabled parking spaces and the shop units. Curved steps near front of site not acceptable for disabled.

Officer Response - These are largely matters to be assessed as part of Building Regulations. However, the proposed development includes a level access and stepped access in order to accommodate access for mobility impaired. Whilst there are spaces within the car park designated for disabled occupants, there are also spaces along Northgate which would be available short-term. The scheme has had due regard to the Equality Act 2010.

- Nearby residents won't be able to access their property

Officer Response – The scheme has been amended and there is sufficient space along the proposed access to accommodate vehicles and movements associated with the properties affected.

- Health and safety due to the position of the parking area along the access.
- Lack of landscaping/trees and lost trees

Officer Response – A landscaping scheme is proposed in order to partially offset the loss of trees.

- Concerns over congregations of skateboarders

Officer Response – The scheme has been amended so that the courtyard area is adjacent to the street and thus is well overlooked.

- Existing Co-op store sufficient, no need for this

Officer Response – The site lies in a Local Centre and thus, retail development is acceptable in principle.

- The proposed store should be an Aldi

Officer Response – This is not a material planning consideration.

- What is going to happen to the existing recycling bins?

Officer Response – This will be dependent on the site operator and whether they wish to accommodate the recycling bins within the car park area.

- The existing pub should be retained and converted to a family pub.

Fence needed to improve the privacy of the adjacent property

Officer Response – A condition is recommended concerning boundary treatments.

- Where would the trolleys be stored? Access to the proposed car park with a trolley is poor

Officer Response – There are no proposals to store trolleys externally. There is a step free access from the retail store to the car park.

- What will happen to the existing Co-op?

Officer Response – Not part of the current application.

- Would we be able to leave cars in the existing car park overnight?

Officer Response – This would be a matter for site operator in terms of whether they implement restrictions.

- Objection received from residents in close proximity of the site on Northgate on the basis that any A3 use would disproportionately affect the adjoining properties (no's 55a, 55 and 57 Northgate – all of which have single glazed windows). In addition, do not wish any trees along the boundary with no's 55, 55a and 57 to be removed.

Support:

- Welcome the retention of the existing pub building.
- Pub is falling down and needs to be dealt with. Building and site is an eyesore/in a state of disrepair.
- No objection but stone should be correct match and not pitched finish.
- Proposal much needed in Huddersfield
- Proposal would be beneficial to local area.
- Proposal improves facilities on offer.
- No objection but police box should be reinstated.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England – No objection subject to conditions. Comments discussed in more detail in the relevant section of the officer report.

K.C Conservation and Design – No objection subject to conditions.

K.C Highways – No objection in principle, but additional detail has been requested from the applicant concerning the provision of a dropped crossing along Northgate, the short stay parking on the entry/exit access removed or amendments to the existing permit holder or limited waiting restrictions and associated lining on Northgate.

An update will be provided to the committee concerning highways matters.

K.C Strategic Drainage – No objection subject to conditions.

8.2 **Non-Statutory:**

K.C Environmental Health – No objection subject to conditions concerning contamination, hours of delivery and opening hours.

K.C Ecology and Biodiversity Officer – Having reviewed the report, which is within but towards the end of the validity period, I am satisfied that the building is unlikely to be used by roosting bats. This is supported by the lack of suitable habitats immediately surrounding the site.

K.C Arboriculturist – No objection but wishes to see planting.

Yorkshire Water Services – No comments received.

9.0 **MAIN ISSUES**

Principle
Visual Impact and Impact on Heritage Assets
Residential Amenity
Highways
Drainage
Trees
Biodiversity
Conclusion

ASSESSMENT

Principle of development

- 9.1 The site is situated on a parcel of brownfield land which is unallocated site on the Kirklees Unitary Development Plan. The site lies within Almondbury local centre and Almondbury Conservation Area.
- 9.2 The building was previously used as a public house and the proposal would result in the loss of this historic use. Paragraph 28 of the NPPF states that planning policies should promote the retention and development of local services and community facilities such as public houses. Paragraph 70 states that planning decisions should guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs.

- 9.3 The existing public house – Rose and Crown – is not listed as an Asset of Community Value. Nevertheless, the application has received a number of objections opposing the proposed uses and, for at least a proportion of the local population, the existing pub holds/did hold community importance. It is acknowledged that public houses offer a useful community facility for eating and drinking, and successful pubs can also act as important hubs within community settings. Given the prominent position of the public house within the village and the nature of the objections received, paragraph 70 of the NPPF is relevant in this case.
- 9.4 Almondbury appears to be a popular local centre and there are a range of eateries, cafes and other facilities, including two public houses which are located on Westgate, all within 500m of the application site. Furthermore, the building has not been used as a public house for a number of years and has been actively marketed since at least 6 months prior to the application being submitted in 2013. No alternative use for the building has been found. In this case it is not considered that the loss of the public house would reduce the community's ability to meet its day-to-day needs. In fact, through the provision of the uses proposed – which includes a convenience foodstore and two small A1/A2/A3 units – the scheme may in fact improve the level of service provision within the village and provide a social benefit to the local community.
- 9.5 In respect of the uses proposed, the site lies within Almondbury District Centre. The boundary of the district centre is reinforced by the emerging local plan. Consequently, the proposed uses – A1/A2/A3 – are all compatible uses with town centres, in accordance with paragraph 24 of the NPPF; there is no need for a sequential test or impact assessment in this case.
- 9.6 For the reasons detailed above, the proposed development is considered to represent a range of uses which are potentially acceptable in this district centre location.

Visual Impact and Impact on Heritage Assets

- 9.7 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. Section 72 of the above act similarly requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant. Furthermore, the Court of Appeal has held that decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

9.8 The first bullet point to para 131 of the NPPF indicates that, in determining planning applications, LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Para's 132, 133 and 137 of the NPPF identify 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPA's should refuse consent.

9.9 The main heritage assets potentially affected by the proposals are:

- Former Rose and Crown Public House – Grade II Listed
- Almondbury Conservation Area.
- Grade II listed Police Box
- No's 55, 55a and 57 Northgate.

9.10 The proposal is for the partial demolition of the building including removal of internal walls to create retail units. Outwardly the public house presents two different elements when viewed from the street. On the left side from the street is the original inn (43 Northgate) which is constructed of roughly squared and coursed stone; the northern elevation is rendered due to the adjoining building being removed. On the right side from the street is a later addition to the inn with its front and side elevations being of finely squared and jointed ashlar (the principal building). The rear of the public house is more unified but is marred by unsightly alterations and extensions from the 20th century. The buildings, despite being of differing materials, are from around the same age and show that the original building was extended as trade or use increased.

9.11 There is more detail in terms of the proposed alterations to the building contained in the accompanying listed building consent report (ref - 2014/90001). In summary however, and for the purposes of this planning application, the most drastic alterations externally involve the removal of the ground floor of the original entity of the building from the existing porch northwards. The upper floor would be retained from the existing porch. All works would be widely visible from within the Almondbury Conservation Area given that the site is readily visible from Northgate – a key receptor.

- 9.12 The later addition – the principal entity of the listed building – is an ashlar faced element which externally would remain unaltered apart from the proposed repairs to the stone work and replacement of existing windows and doors. Internally the ground floor would be opened up and the demolition of internal walls would harm the significance of the listed building which goes some way to showing the evolution of the building.
- 9.13 The final area to be altered is the 20th Century rear extension which is considered to crudely alter the appearance of the rear elevation. There is no significance to this part of the building due to the poor quality of the building, its late construction date and the previous removal of items of heritage value. The demolition internally is restricted to the ground floor and in effect removes the 20th century alterations; it is not proposed to remove the upper floors.
- 9.14 In respect of the building works, the design of the scheme has undergone significant alterations following detailed discussions with the Council's Conservation and Design team and Historic England. It is proposed to create a traditional, sympathetic shop front and extension which would partly replace the historic gable end of the existing building – this would form Unit B and the access to Unit A. Externally the entrance would take the form of three shop fronts on the ground floor with ashlar clad pillars between, one facing onto Northgate and two facing the proposed access. It is proposed to retain the domestic appearance of the existing building on the upper floors by the use of traditional window designs, along with the inclusion of a chimney pot. Unit C would sit at the opposite end of the site, close to no55 Northgate, but recessed behind the existing boundary wall, the Grade II listed Police Box and the principal building. Traditional stone, stone surrounds and architectural detailing would assist in assimilating this element with the existing heritage elements.
- 9.15 Unit A is the largest building element but this would largely face the car park and access. Consequently, it does not contain an active frontage and there are no openings along the rear elevation. However, it is proposed to include ashlar stone elements and architectural detailing in order to both assimilate with the existing building and to add an element of interest. A single storey extension is proposed in front of unit A in order to provide a link between unit B and unit C. This extension would contain windows and would help reduce views of unit A from Northgate.
- 9.16 The proposal involves a porch which would wrap around and face both the access to the car park and Northgate – this appearing as a shop front. The fascia sign advertising the shop unit would extend to the foyer. Part of the foyer would be glazed along the car park access side, support by an ashlar stone column on the corner, and include an open frontage from Northgate and from the front-most part of the car park access. Whilst the entrance to the foyer and unit B would be set behind the porch, the design of the entrance would appear as a shop front.

- 9.17 Whilst the scheme does not constitute a traditional shop front design, it nevertheless responds appropriately to area. The extensive glazed frontage which faces the access would provide a strong vertical emphasis, this being supported by an appropriate frame. The fascia would be of an appropriate scale and recessed behind the cornice. The design constitutes a simple approach with clean lines, utilising traditional materials yet presented with a contemporary twist. Given the sensitivity of the existing building, the proposed shop front design is considered to provide an appropriate solution, in line with policies BE16 and BE17 of the UDP and policies PLP24 and PLP25 of the emerging local plan. Final details concerning materials could be subject to condition in the event that planning permission is granted.
- 9.18 In summary, the proposed design is considered to have been well thought out and is of high quality. It responds well to the main heritage asset within the site – the ashlar building – and this would take centre stage as part of the proposals. In particular, the existing building would be improved and views of it would be opened up, particular when viewed from the south from Northgate. Part of the existing listed building would be replaced by a high quality shop front and this element would have a beneficial impact on the character and appearance of the area.
- 9.19 It is considered that the amount and nature of demolition proposed successfully retains a key element, this being the principal listed building. Therefore, it is not considered that the proposal would amount to substantial harm to the listed building, the listed police box, or the Conservation Area. Nevertheless, there is harm due to the amount of demolition and loss of internal walls that signify the historic evolution of the building. In addition, the amount of demolition when viewed from Almondbury Conservation Area would be harmful to its setting.
- 9.20 There are listed buildings immediately to the south of the site (no's 55 and 55a Northgate). However, the impact on the setting of these assets is considered to be very limited.
- 9.21 The harm identified to the setting of the heritage assets would be less than substantial in this case, but it gives rise to a statutory presumption against granting planning permission and it should be given considerable importance and weight. This harm should be weighed against the public benefits of the proposal, as required by paragraphs 132 and 134 of the Framework.

Public Benefits

- 9.22 There are considered to be a number of public benefits associated with the proposed development:
- The design of the scheme includes opening views of the side elevation of the ashlar building and rebuilding/improving existing deficiencies/making good existing stone work. The proposal also includes a courtyard area

associated with the proposed commercial units which could help revitalise this part of Northgate;

- The development would bring back into use a derelict site. Whilst there is no information quantifying the benefits it would bring to the local economy, it is considered that the design of the scheme and the uses proposed is likely to bring more footfall to the site and village which would be of benefit to the local community and economy;
- The proposal would result in a new, modern convenience food store thus improving the offering in the village. The existing food store in the village is constrained and dated.
- The proposed development would secure part of the existing listed building, in support of its long term conservation.

9.23 The public benefits help to mitigate against the instances of harm identified and would sustain the values of the heritage assets affected. On balance therefore, it is considered that the less than substantial harm to the heritage assets, which mainly comprise the existing listed building and Almondbury Conservation area, is outweighed by the significant public benefits of the scheme, thus meeting the requirements of paragraphs 132 and 134 of the NPPF.

Residential Amenity

9.24 UDP Policy D2 requires the effect on residential amenity to be considered, reinforced by one of the core planning principles set out in para 17 of the NPPF. The site lies adjacent to no55 Northgate and the associated garden area and within relatively close proximity of a number of units adjoining no55. However, the main impact of the proposal is considered to be on the amenity of no55 Northgate. The garden is divided from the site by a 1.4m high wall. Towards the rear of the garden and boundary of the site is an outbuilding.

9.25 No55 Northgate also contains two windows in the gable end of the property which effectively provides light and outlook to what appears to be a bedroom/loft room within the roofspace and to a bathroom on the first floor. There are no other windows in the roofspace which would serve the bedroom or to serve the bathroom on the first floor. Both windows overlook the application site.

9.26 Proposed Unit C is a 2 storey building which lies within 1.5m of the side boundary of no55. It would conflict with policy D2 of the UDP in that it would fail to provide an appropriate level of amenity for any occupiers of the potentially habitable loft/bedroom.

9.27 In terms of the potential impact on the bathroom at first floor level, as this window does not serve a habitable room, there is less concern about the proposed development affecting the outlook from this room although it is acknowledged it would result in a significant loss of light.

- 9.28 Policy BE12 deals with the appropriate spacing standard involving new dwellings in relation to existing dwellings. It is noted that the current proposal involves a non-residential building; it is therefore, acknowledged that policy BE12 is not entirely applicable to this proposal. However, it provides a useful measure against which to assess the acceptability of proposals in terms of outlook, daylight and privacy. The current proposal would severely affect the function of the second floor window and its ability to receive an acceptable level of amenity.
- 9.29 The windows at no55 are relatively recent additions, although it appears that there were previously windows in this elevation which have been bricked up. Listed Building Consent was granted in November 2012 (ref – 2012/93128) and it is assumed that the windows were inserted shortly after this time. It is also noted that the windows look out over, and rely upon, third party land for access to light. The application site is unallocated in the development plan. It would have been reasonable to expect that the application site may have been developed at some point. Nevertheless, the windows are in situ and the impact upon them is a material consideration.
- 9.30 Notwithstanding the harm identified, the proposal has considered good design in the round. Policy PLP24 of the emerging Local Plan identifies that high standards of residential amenity are just one consideration in achieving good design. In this case the scheme has been designed in order to achieve an acceptable relationship with the street scene, heritage assets and ensuring, as far as practicable, that the amenity of neighbouring occupiers is adequately protected. In this regard, it is accepted the scheme would offend the side projecting windows at no55 Northgate.
- 9.31 The scheme has been amended in order to ensure that there is a gap between the garden of no55 and the proposed buildings. The proposed A1 retail unit is a single storey element which would have a roof which slopes away from the garden area. The orientation of the proposed building in relation to this garden means there would be no unacceptable overshadowing impacts.
- 9.32 However, following the submission of additional details by the applicant, it is clear that the land falls away from Northgate towards the rear of the site and consequently, and in order to create a level floor across the whole of the proposed development, the proposed building requires a level floor which means that the rear of the proposed building has a higher wall than the front. It has been demonstrated that the proposed development would be 4m high to eaves closest to no55, rising to a height of just over 5m when viewed towards the rear of the garden. Overall, despite the small gap between the proposed building and no55, the proposed development would involve a relatively large building which would appear oppressive and overbearing and hem in the garden of no55.

- 9.33 As a consequence of the above, amended plans have been requested from the applicant in order to further reduce the impact of the proposed development on no55 Northgate by increasing the gap between the proposed building and no55 Northgate. Members will be updated and presented with any revised plans at committee.
- 9.34 Concerns have been raised regarding the uses proposed and the potential impact on the nearest residential properties. The applicant proposes a flexible range of uses at ground floor level, including a potential A3 use (potentially a restaurant or café). Policy PLP16 of the emerging Local Plan specifically advises on food and drink uses.
- 9.35 In respect of the proposed uses, the previous use of the site was as a public house and the scheme has been designed so that the courtyard area is in a prominent location facing Northgate, where there was previously a beer garden. Therefore, it is not considered that the proposal would give rise to significant anti-social behaviour over and above the existing established use.
- 9.36 Environmental Protection recommends that conditions are imposed in order to restrict the opening hours of any premises to between the hours of 0700 and 2300 and restrictions on deliveries to between 0730-1800 Monday to Friday and 0800-1300 Saturdays. Further restrictions are recommended concerning the use of the courtyard area during the evening period. Conditions are also recommended concerning odour and noise abatement in order to ensure that any installed equipment (including extract ventilation, air conditioning and refrigeration units) does not result in significant impacts for neighbouring properties.

Highways

- 9.34 The site whilst currently vacant was last used as a public house with associated car parking to the rear. The car park presently has 44 spaces and also provides access to three terraced residential properties.
- 9.35 The proposal includes a total of 30no car parking spaces which lie to the rear of the proposed buildings. Based on the mix of uses proposed, the number of spaces included in the development complies with the Council's parking standards. There are formal parking bays along Northgate in front of the site, but these have limited waiting restrictions or require a parking permit. The proposed development, involving widening the access, would result in the removal of a small number of spaces and may require an amendment to the Traffic Regulation Order concerning these spaces.
- 9.36 Access to the site is to be widened to 7.3m in order to provide ample space for two vehicles to pass each other. The existing vehicular access to the cottages beyond the site boundary to the north would be retained. The current access arrangements show that a number of spaces would be provided along this access but in order to facilitate HGV movements the applicant has been requested to remove these spaces. An update will be provided to committee, but on the basis of the proposed amendments, the

application is considered acceptable from a highway safety perspective and detailed plans have been submitted which demonstrate HGV's can safely access and egress.

- 9.37 In terms of pedestrian links, the site lies in a sustainable location being easily accessible by public transport and from the village centre. Kirklees Highways DM has requested the submission of details which show the provision of a dropped crossing along Northgate in order to assist with pedestrian movements. This matter could be conditioned.
- 9.38 The main A1 retail store includes a delivery area to the rear for larger delivery vehicles. The smaller units could be served by vehicles utilising the proposed car park.
- 9.39 In terms of vehicular movements, it is not anticipated that the proposal would give rise to significant impacts on the local highway network. The site is already used for parking and given it is in a local centre, there are likely to be linked trips to other facilities in the village. There are regular bus services along Northgate and the site represents an accessible location by public transport and for pedestrians or cyclists. The proposed development is not considered to significantly impact on local highway network. The application is therefore, in compliance with policy T10 of the Kirklees UDP and emerging policies PLP21 and PLP22 of the local plan.

Drainage

- 9.40 The site lies in Flood Zone 1. In terms of drainage, sufficient detail has been submitted to demonstrate that the site can be drained in an appropriate manner considering that site is already connected to foul and surface water drainage infrastructure. The council's drainage officer recommends the imposition of appropriate planning conditions.

Trees

- 9.41 The application involves the removal of a number of trees, particularly on the area of land close to the boundary with no55 Northgate. The trees to be removed include a mix of mainly Sycamore and Whitebeam.
- 9.42 The tree officer has assessed the proposal and raises no objection, subject to the imposition of a condition requiring a landscaping scheme to compensate for tree loss. In this regard the proposed development is considered to comply with policy NE9 of the Kirklees UDP.

Biodiversity

- 9.43 The NPPF advises on the duty to protect the natural environment and to the opportunities for its enhancement. When dealing with a proposal that may affect a European Protected Species, the Local Planning Authority has a duty to have regard to the Habitats Directive in the exercise of its function.

- 9.44 Given the site characteristics, the applicant submitted a bat survey. At the time of the survey in 2015 there was no evidence to suggest that bats were or have been using the building as a roost. The walls of the existing building comprise cement rendered or well pointed stone and do not have any gaps. The roof has the most roost potential, though an emergence survey noted no bats emerging from it. The survey revealed that whilst bats are present in the area, they were not roosting in the survey building and it is unlikely that the proposed development to the building will have any detrimental effect on the local bat population. As mitigation the survey recommends the removal of roofing tiles between October and March and the removal of stone tiles by hand. It also recommends the incorporation of two bat houses. The Council's ecologist has assessed the application and raises no objection.
- 9.45 In respect of other biodiversity interests; the site is brownfield and has limited ecological value. The proposed development would not have a significant impact on biodiversity interests. The proposed development is considered to comply with the NPPF and policy PLP30 of the emerging Local Plan in this respect.

Air Quality

- 9.46 The application has been considered taking into account emerging policy PLP24 of the PDLP, which encourages the use of electric and low emission vehicles by providing charging points, and in accordance with West Yorkshire Low Emission Strategy Planning Guidance. This latter guidance 'WYLES' categorises developments according to size and different air quality mitigation measures. This development is classified as 'minor' in the guidance and it is considered that the provision of electric vehicles charging points (EVCP) within the car park (10% of spaces to be phased with 5% initial provision, or one EVCP) would provide appropriate mitigation measure. This would also prepare the site for increased demand for EVCP in the future.

10.0 CONCLUSION

- 10.1 In determining applications it is a legal requirement to have special regard to the desirability of preserving the listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In accordance with Paragraph 129 of the National Planning Policy Framework, the Local Planning Authority should identify and assess the particular significance of the heritage asset and consider this significance against the development proposal. As heritage assets are irreplaceable, any harm or loss requires clear justification and if the development cannot be amended to avoid all harm then the proposals should be weighed against the public benefits of the scheme (paragraph 133 and 134 of the NPPF).
- 10.2 The proposal involves the retention of a large proportion of the principal building, with the northern end of the former inn being removed. Overall it is considered that the character and significance of the whole building would be retained despite the relatively extensive demolition works. Whilst it is desirable to preserve the building this can only be achieved by finding a new

viable use for it; the building has been extensively marketed and failed to find a new use. It is felt therefore that on balance the desirability of preserving the building has been achieved albeit with less than substantial harm caused.

- 10.3 The public benefits of the scheme involve additional works to repair and reinstate walls and openings of the existing building and ensure that the remaining elements of the listed building are brought back into beneficial use, supporting its long term conservation. The proposal would also bring back into use a derelict site which is likely to increase footfall and contribute economically to the local centre. The public benefits of the scheme are considered to outweigh the less than substantial harm to the heritage assets in accordance with paragraphs 133 and 134 of the NPPF.
- 10.4 Overall the proposed development appears to constitute high quality design. Whilst it is acknowledged that there would be some adverse impact on the amenity of the occupiers of no55 Northgate by virtue of the impact of the proposed building on the side facing windows of no55 Northgate and the garden area; amended plans have been requested in order to reduce the oppressive nature of the proposal in relation to the potentially affected garden area. Providing the impact on the garden of no55 is reduced (an update will be provided to Committee to reflect the nature of any amendments), it is considered that the impact on the amenity of no55, which includes the impact on the gable windows of the property, would be outweighed by the positive visual impact of the overall scheme on the character and appearance of the area.
- 10.5 In respect of highways impacts, it is considered that sufficient parking is proposed to serve the development. Kirklees Highways DM has no objection in principle to the proposed development.
- 10.6 All other matters have been adequately addressed and where appropriate, adverse impacts are mitigated by the conditions proposed.

11.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 year Time limits
2. Accordance to submitted plans
3. Method of demolition
4. Schedule of works for the repair of the building
5. Materials to be agreed, including surface of new courtyard.
6. Roof plan to be provided
7. Boundary treatments
8. Details of use for Unit B and C to be provided prior to occupation and retained thereafter
9. Parking to be laid out prior to use commencing
10. Limit to hours of use of units
11. Limit hours of use of courtyard area to between hours of 0800 and 1800 (outdoor seating area)

12. Details of odour abatement equipment
13. Submission and implementation of remediation strategy (contaminated land)
14. Foul, surface water and land drainage details to be provided
15. Landscaping details
16. Gate/fencing details concerning Unit C and No55 Northgate
17. Bat boxes to be installed
18. Details of crossing point on Northgate to be provided
19. Construction Management Plan
20. Details of air conditioning and refrigeration units
21. Restriction on deliveries to between 0730-1800 Monday to Friday and 0800-1300 Saturdays.
22. Provision of electric vehicle charging points.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2013%2f93746>

Certificate of Ownership, Certificate B dated 17th December 2013 – Notice served on

The Occupier 21 Northgate Almondbury

The Occupier 25 Northgate Almondbury

Kirklees Council, Ross Street Care, Flint Street, Fartown, Huddersfield, HD1 6LG.