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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 05-Apr-2018**

**Subject: Planning Application 2017/93886 Erection of extensions and alterations to convert existing building to student accommodation (within a Conservation Area) Co-op Building, 103, New Street, Huddersfield, HD1 2TW**

**APPLICANT**

SKA Developments, C/O  
Agent

**DATE VALID**

13-Nov-2017

**TARGET DATE**

12-Feb-2018

**EXTENSION EXPIRY DATE**

12-Apr-2018

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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**

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**Electoral Wards Affected: Newsome Ward**

Yes

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

- 1.1 The application is brought to Strategic Planning Committee due to the scale of the development proposed. The site is also currently under the ownership of the Council.
- 1.2 The scheme comprises the former Co-operative building. This building is not a Listed Building and currently benefits from a Certificate of Immunity which was recently renewed.
- 1.3 The building has been vacant for some time despite efforts to find a suitable use and occupier.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site occupies a prominent gateway position on the edge of Huddersfield Town Centre just within the confines of the ring road. The site lies in Huddersfield Town Centre Conservation Area.
- 2.2 The building is four stories in height, has a rectangular form and comprises an extension to the original Co-operative building. The original building, built in 1893, is attached located behind the application site. The building which is the subject of this application formed an extension to the original Co-operative building and was built in approximately 1936. The design of the extension is a 1930's modernist architectural approach which contrasts with the late Victorian Baronial style of the original building. Window openings at first and second floor are flat to the building façade. At third floor fenestrations have more of a vertical emphasis and are significantly recessed from the front elevation. The predominantly horizontal emphasis of the building is broken by the canted corner block. Elements of architectural detailing are evident in the stone coursing above second storey level. In contrast the rear of the building is incoherent and is dominated by red brick and horizontal fenestration. This element is particularly prominent from the east when travelling along Queensgate. A blue painted canopy wraps round the building above ground floor level.
- 2.3 The site is bounded to the west by New Street and Alfred Street to the east. The ground floor or the adjacent Co-operative building is utilised by Wilkos retail. There are a range of other retail units along New Street including a Post Office.
- 2.4 Access to the building and parking for vehicles is taken via an existing public car park off Alfred Street to the rear.

### **3.0 PROPOSAL:**

3.1 The scheme comprises the change of use of the existing building and a three storey vertical extension to the existing building in order to create the following:

- Student accommodation with 75no units set over a total of 7 storeys (including basement floor) which would provide a total of 135 bedrooms. The scheme would provide clusters of 3 and 4 bedrooms with a communal kitchen/lounge area. Each floor includes a combination of one bedroom, and two bedroom studios, with a one bedroom self-contained apartment.
- The current height of the building is approximately 17.7m to eaves. The proposed extension would be approximately 9.1m (although set slightly below a parapet). The total height of the building would be 25.5m.
- Renovation of the existing building both internally and externally including removal of the canopy.

3.2 The proposal is predicated on the basis that the market demand for student accommodation continues due to the success of Huddersfield University. The applicant has been responsible for a number of student accommodation schemes in and around the town centre, including 'Standard House'. Experience of these schemes and evidence presented with this application suggests that the accommodation would be high quality in terms of the internal layout and provisions. In addition, it is noted that the use of the building provides some flexibility moving forwards to accommodate apartments on the open market if market signals indicate a reduction in student accommodation demand.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 Certificate of Immunity from Listing – granted in approximately November 2017.

2006/92616 – Demolition of building - withdrawn

2002/93282 – Installation of new shop front, rear escape and roof plant – planning permission granted.

2002/94005 – Erection of illuminated signs – consent granted

2000/93149 – Change of use of retail store to restaurant – planning permission granted.

2000/93306 – Change of use to public house – planning permission granted.

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

5.1 The scheme was subject to detailed pre-application advice. Amended plans were received during the preapplication stage to improve the design and appearance of the development and advice was provided to the applicant. The pre-application was brought to Strategic Planning Committee on 10<sup>th</sup> August 2017.

### **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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1 – Design principles  
BE2 – Quality of design  
BE11 – Materials  
BE9 – Archaeological value  
BE10 – Archaeological evaluation  
BE12 – Space about buildings  
BE23 – Crime prevention  
T1 – Transport strategy  
T10 – Highway safety  
T16 – Safe pedestrian routes in new developments  
T19 – Parking standards  
H1 – Housing Needs of district  
H18 – Provision of open space  
G6 – Land contamination  
EP4 – Development and noise  
EP11 – Landscaping and ecology
- 6.4 The site remains unallocated in the Draft Publication Local Plan but forms part of the Town Centre and falls within the Primary Shopping Area and Primary Shopping Frontage.
- 6.5 Kirklees Publication Draft Local Plan Policies: Submitted for examination April 2017:
- PLP1 Presumption in favour of sustainable development  
PLP3 Location of new development  
PLP7 Efficient and effective use of land and buildings  
PLP8 Safeguarding employment land and premises  
PLP10 Supporting the rural economy  
PLP13 Town centre uses  
PLP14 Shopping frontages  
PLP17 Huddersfield Town Centre  
PLP 20 Sustainable travel  
PLP21 Highway safety and access  
PLP22 Parking  
PLP23 Core walking and cycling network  
PLP24 Design  
PLP27 Flood Risk  
PLP28 Drainage  
PLP30 Bio diversity and geodiversity  
PLP32 Landscape  
PLP33 Trees  
PLP35 Historic Environment  
PLP51 Protection and improvement of air quality  
PLP52 Protection and improvement of environmental quality  
PLP 53 Contaminated and unstable land  
PLP63 New open space

6.6 National Planning Policies:  
National Planning Policy Framework:-

Core planning Principles

NPPF Chapter 1 Building a strong, competitive economy

NPPF Chapter 2 Ensuring the vitality of town centres

NPPF Chapter 3 Supporting a prosperous rural economy

NPPF Chapter 4 Promoting sustainable transport

NPPF Chapter 6 Delivering a wide choice of high quality homes

NPPF Chapter 7 Requiring good design

NPPF Chapter 8 Promoting healthy communities

NPPF Chapter 9 Protecting Green Belt land

NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change

NPPF Chapter 11 Conserving and enhancing the natural environment

NPPF Chapter 12 Conserving and enhancing the historic environment

Supplementary Planning Guidance / Documents:

West Yorkshire Air Quality and Emissions Technical Guidance

National Planning Guidance:

Planning Practice Guidance

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised on site and in the local press. Letters were sent to nearby properties. A total of two objections have been received. The comments are addressed in the main body of the officer report:

- *With this application the Civic Society is “between a rock and a hard place”: we dislike many aspects of this proposal, but are aware that this is the only application that has been made to save this iconic building which could be lost if re-use and renovation are not carried out. We have scrutinised the proposals and consider that they require significant changes and improvements.*
- 1. *Anomalous materials. There is a contradiction in the application: the plans show ashlar as the facing material for the extended stairwell and the walling facing the ring-road, but the palette of materials in the Design and Access Statement (page 10) does not list ashlar at all, “Ibstock Express Cladding” is shown in its place. Natural stone must be used to match the existing local ashlar to satisfy UDP Policy BE11 and NPPF Paragraph 60 and Draft Local Plan Responses page 156. An email to the agent requesting clarification of this contradiction has not elicited a response.*
- 2. *Design. The geometrical integrity of the existing Art-Deco building with its strong horizontal and vertical elements, projecting continuous bands, mullions, cills, lintels and banded fenestration is not respected in the current plans. The additional floors should reflect the current design where a continuous cornice may help strengthen a rather weak elevation. The extension of the chamfered corner at the New Street/Ring Road junction requires better definition of the vertical elements by the use of projecting mullions and possibly the replacement of the ground floor glazed panels with ashlar columns. The colours of the light-weight materials proposed for the roof extensions do not complement the palette of the natural stone and should be changed.*
- *Objection from Huddersfield Gem - The 1937 Co-operative Extension holds a special place in Huddersfield’s townscape; proud, prominent and positioned with a vista. The Huddersfield Gem has long wished to see this fine modernist building being brought back into use and we support its listing, alongside Huddersfield Civic Society, the Manchester Modernists and The Twentieth Century Society.*

*We are delighted to have the news that the building was to have a new use and in principle, Huddersfield Gem is supportive of the proposed new use and believe the building has great potential for a conservation-led development scheme. Unfortunately, for a number of reasons we are unable to support the proposals. We consider that the submitted plans will cause substantial, irreversible and poorly justified harm to this non-designated local heritage asset, to the setting of the adjacent Victorian and Edwardian co-operative building and to the wider designated conservation area.*

*The proposed extension is a poor quality design which demonstrates no sensitivity to the original building. By virtue of its substantial height and varied massing across the roof-scape, it will compromise the proportions of the existing. The large glazing panels proposed to the façade of the tower are particularly incongruous, but the extension proposed to terminate Queensgate will dwarf and detract from the glazed stairwells – showpieces of the composition. The choice of colour and material is wholly unsuitable, and will make a crude contrast with the soft natural palette of the original building. The unique and highly decorative corner flagpole elements will become meaningless.*

*We are concerned that the ground floor is to be residential. Apart from noise to the residents the need for privacy will make the street level elevation dead, degrading the conservation area, pedestrianised New Street experience.*

*The town centre conservation area is extended to include the building and only the building, it is not as if the building is incidental to any other asset. Here the building is the conservation area. The conservation area is the building.*

*The conservation area is notable for the low level of the elevations within the town centre. Although the existing building departs slightly from this in its fourth level, this is deeply recessed and so allows the co-operative to blend in and preserve its relationship to the street and to the wider character of central Huddersfield. We consider that for the reasons given above, the proposed extension will also have a visible, detrimental impact on the conservation area.*

*Extensions and alterations should preserve or enhance the special character of the conservation area and its setting. This proposal fails to do so and only brings harm. A strength of the application is the proposed removal of the canopy to the ground floor windows. This we applaud and hope the keepers of other parts of the Co-operative building can follow.*

*We have seen no indication as to how the existing upper-floor interior wall finishes are to be respected.*

*Overall Huddersfield Gem considers that this is a major and poorly conceived damaging and harmful overdevelopment, and by virtue of its size, design and heavy materiality is unacceptable in planning terms.*

*We strongly recommend that this scheme is significantly reduced, set back and simplified. The existing building has strong horizontal and vertical elements defined by projecting continuous bands, mullions, cills and lintels. This element could be better defined on any additional floors. Part of the building's strength is in its understated detailing and typography cladding panels proposed used to surround part of the extension, especially that section facing the ring road are necessary. The building's strength is in its understated detailing and typography – this cheapens it. The stairwell fenestration requires more respect and sympathetic treatment. Extensions should not cheapen the whole.*

*UDP Policy BE11 and NPPF Paragraph 60 and Draft Local Plan Responses page 156 all lead to the need for natural stone being used in such a development.*

- *The proposal to add 3 extra floors is not in keeping with neighbouring buildings. It is way too tall. Mass is too bulky. No active public street frontage. Ground floor at least should have a public use.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Highways – No objection subject to clarification and detail concerning bin collection points and servicing.

Historic England – *The proposed design of the windows on the rooftop extension has been amended which we welcome. However, the size of the rooftop extension at three storeys is still of considerable concern. Given that this aspect of the proposals would be harmful to the conservation area and the setting of the adjacent listed buildings, your authority should be satisfied that the viability of the scheme constitutes the "clear and convincing justification" which is required for this harm by paragraph 132 of the National Planning Policy Framework.*

*We previously advised that the impact on the surrounding heritage assets could be further reduced through attention to details and materials. We therefore welcome the changes to the window design. We note, however, that the extension is still proposed to be clad in grey metal cladding with red accents. We recommend this is amended to a darker tone cladding, ideally a dark bronze colour as is seen in a number of other buildings in the conservation area and which tones better with the stonework of the Co-Op building and the surrounding listed buildings.*

*Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 129, 132 and 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.*

### **8.2 Non-statutory:**

Yorkshire Water – No observations required.

Conservation and Design – No objection in principle.

*I am comfortable with the window changes which have a more vertical emphasis as well as providing the sill/ head detail I requested. In terms of the cladding, I feel more info is needed over the colour and the treatment of the end corner. We need at least to see a sample or a colour chart reference to ensure the blend is right. I am not convinced over the colour treatment of the corner which I think should be the same as the remaining areas of cladding rather than being a feature.*

Environmental Health – No objection subject to a condition relating to a ventilation scheme and noise report and attenuation.

Biodiversity Officer – Ecological enhancement is required in relation to swifts.

Lead Local Flood Authority – Comments have been provided but as there is no change to the existing drainage situation, it is not considered necessary to consider surface water drainage as part of this proposal.

Crime Prevention – No objection subject to a condition.

## 9.0 MAIN ISSUES

- Principle of Development
- Urban Design/Heritage Issues
- Residential Amenity/Future Occupiers
- Highway issues
- Ecological Issues
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is on unallocated land on the Unitary Development Plan (UDP) proposals map and, therefore, Policy D2 is applicable. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. The site also lies in Huddersfield Town Centre and the use of the building for residential would be acceptable in principle, representing a town centre use in the NPPF. In the PDLP the site lies within the Principal Town Centre boundary where non-food retail uses are encouraged. The site is also identified as a primary shopping frontage and PLP14 seeks to ensure that at street level, proposals seek to continue retail uses in order to retain vitality and viability. The policy goes on to state that other town centre uses may be appropriate subject to a number of criteria, including ensuring that any change of use does not detract from the primary shopping nature of the frontage, the existing proportion of retail uses, the level of unit vacancy. In all cases the use should seek to retain, enhance or replace to improve shop front design and layout.
- 10.2 The site forms brownfield land. The NPPF encourages the use of brownfield land for development. The site lies within the confines of the town centre and is considered to represent a wholly accessible location by different modes.
- 10.3 In terms of the lack of ground floor retail on offer; it is noted that the existing building is redundant and offers no interaction with the street. The applicant explored the possibility of including a non-residential element but considered that the proposal offered the most viable option. The site is also located at the end of the shopping parade thus the impact of having no active retail frontage is perhaps less than it otherwise would be if the building was located in the centre of the shopping parade. It is considered that the lack of retail frontage in this case is justified by the viability submission (see viability).
- 10.5 The applicant has submitted information to demonstrate that the building has been redundant for a significant period of time and has been actively marketed. No end user has been found. The applicant has submitted a viability appraisal in order to demonstrate that the works proposed are necessary to bring the building back into viable use. This is a significant material consideration.

### *Viability and Context*

- 10.6 The existing building has been largely vacant for a considerable period of time. The last notable use of the building was in 2004 when it was used as a nightclub. In

approximately 2007 the building was purchased by Kirklees Council but a suitable use for the building could not be found. In approximately 2014 the building was marketed with the resultant bidding exercise culminating in a scheme and bid which was previously presented to Strategic Planning Committee as a pre-application item (August 2017). The current application represents a response to the pre-application feedback provided by the Council.

- 10.7 It is clear from the applicant's development/viability appraisal that the costs of enabling the building for any use are significant. Such works include making the building wind and water tight, roof repairs, cladding repairs, windows and rainwater goods. Works would also include making good part of the ashlar stone which have degraded.
- 10.8 The applicant has run a viability exercise considering a change of use of the building to student accommodation without any extension. It is clear from the submission that a simple conversion of the building would be significantly unviable; this also includes conversion works at basement level.
- 10.9 A further appraisal was run on the basis of the conversion of the existing building (including basement) along with the construction of three additional floors. The appraisal has been assessed by the Council and whilst the final report is still pending, an interim report concluded that the *"the scheme is viable but without any S106 contributions and as the level of residual profit is at the lower end of industry expectations"*.
- 10.10 A final viability report assessed by the Council will be presented to planning committee as an update. However, based on consideration of the information submitted and taking advice from the Council's appointed assessor, the conversion of the existing building without extension to the use proposed is not viable and therefore the extension as proposed represent the minimum required in order to bring the building back into viable use for student accommodation.

#### Urban Design/Heritage issues

- 10.11 In accordance with the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 7 of the NPPF focuses on good design, chapter 12 relates to heritage assets. Policy PDLP55 reflects the NPPF in respect of heritage assets.
- 10.12 Para 131 of the NPPF states local planning authorities 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.*
- 10.13 The site is rectangular and located on the southern edge of Huddersfield Town centre. It consists of a redundant building with an area of hardstanding/servicing area to the rear. The Conservation Area boundary is covers a large proportion of the centre of Huddersfield Town centre and extends to the south along New Street incorporating the Co-operative building. In broad terms, the site is bordered by the original Co-operative building to the north which, although not listed, is clearly an important part of the Conservation Area and makes an important contribution to its significance. This original building dates from the Victorian period with intricate, impressive detailing and features drawing on baronial/castle influences. The original building includes a clock tower which is a notable feature, particularly on the approach to the building from Chapel Hill. Conversely, the extended Co-operative building (the application site) appears relatively stripped back in terms of its architectural approach with cleaner lines, more vertical emphasis

- 10.14 The scheme has evolved throughout the application process and amendments have been made to address the comments received from objectors and consultees. Officers particularly raised concerns relating to the materials and design of the proposed extension. The applicant responded to these concerns by altering the design of the windows on the proposed extension. A 'bronze' cladding is now proposed. The existing canopy at ground floor level would be removed.
- 10.15 The Huddersfield Town Centre Conservation Area is of significance and includes a vast number of listed buildings, some of which are Grade II\* which contribute to its character. The railway station within the Conservation Area is a Grade I listed building. The attached Co-operative building is not listed and the proposed building has been granted an immunity from listing. However, there are notable listed buildings in relatively close proximity, including the Town Hall. The original Huddersfield Town Centre Conservation Area was extended in a southerly direction to incorporate the application site and adjacent original Co-operative building. Therefore, and on the basis of the prominence of the application site building, its position and architecture, it is considered that the application site makes a significant contribution to the character of the Huddersfield Town Centre Conservation Area.
- 10.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings. Section 72 of the Act, which relates to the character or appearance of a conservation area. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 7 of the NPPF focuses on good design, chapter 12 relates to heritage assets.
- 10.17 Para133 of the NPPF is clear in relation to a development which would lead to less than substantial harm to or total loss of significance to a heritage asset. In such circumstances, planning permission should be refused unless it can be demonstrated that such loss is outweighed by substantial public benefits or all conditions as set out in para133. Paragraph 134 states that where a proposal will lead to *less than substantial harm* to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. Paragraph 132 states that when considering the impact of a proposal on the significance of a designated heritage asset, '*great weight*' should be given to the asset's conservation. This wording reflects the statutory duty in sections 66(1) and 72(1) of the Act. Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within a CA to enhance or better reveal their significance; where this is the case and elements of the CA are preserved then this should be treated favourably.
- 10.18 There is no doubt that the proposed extensions would represent a significant increase to the height of the existing building by a further three storeys, to an already large and prominent building. The extension would be particularly prominent on approach from the south along Chapel Hill which represents a short and middle distance view. The building would also be prominent along New Street where it would be juxtaposed against the original Co-operative building both in terms of design and height. There would be other notable views from within the Conservation Area; although prominent views would be less universal owing to existing buildings and structures which would reduce views of the building in the more heavily built up town centre. Tall and large building are not uncommon to the town centre and the surrounding area, although it is acknowledged that those in the immediate vicinity would generally be smaller than the proposed building. Buxton House which lies a short distance to the west is a significantly larger building rising significantly higher than the proposed development. From the south in particular the proposed development would be viewed partially against the backdrop of this larger building.
- 10.19 When viewed from the east the rear of the existing building is prevalent and appears to be rather unsightly as it has been neglected and does not contribute appreciably to the wider Conservation Area. The proposed development would ensure that the

existing building was repaired thus improving its appearance and the contribution this part of the building makes to the wider Conservation Area.

- 10.20 The amended scheme is considered to have addressed para 129 of the NPPF which requires Local Planning Authorities to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. In this regard the amendments include an alteration to the proposed window style so that they are more reminiscent of the window proportions associated with the existing building and have a definite vertical emphasis. Further detail has been provided in respect of the cladding which would be a bronze colour. These alterations have satisfied Historic England in terms of ensuring the identified conflict with the heritage assets is minimised. In addition to the above, the proposed design is recessed behind a parapet and includes a continuous cill band above each of the proposed room windows. The proposed stair tower would comprise a newly extended corner of the building which would be a heavily glazed position above the existing ashlar column (which currently has thin vertical window strips). This would clearly distinguish between the 'old' and the 'new'. Overall, the more contemporary approach to the extension is considered to compliment the historic materials and design associated with the existing architecture of both the original Co-operative building and the host building.
- 10.21 Concerns expressed regarding the impact on the clock tower which is positioned on the original Co-operative building have also been addressed as far as practicable. The scheme retains views of the clock tower on approach to the site from Chapel Hill. However, it is accepted that the height of the building as proposed would be significantly more dominant when viewed along New Street. Nevertheless, the existing Victorian/Edwardian architecture of the original Co-operative building already contrasts with the existing application host building. The juxtaposition arising from the proposed development would allow the Victorian/Edwardian architecture to be read distinctly separately from the proposed development site and the proposed extension would tie in more closely with the extended Co-operative building (application site) as opposed to the original. It is not considered that the impact on the original Co-operative building would be so extensive so as to significantly undermine its significance as part of the Huddersfield Town Centre Conservation Area.
- 10.22 It is considered that the impact of the proposed development would represent 'less than substantial harm' to the significance of the Conservation Area and the setting nearby listed buildings. In terms of public benefits, it is realised that the building has continued to suffer from neglect and has been vacant for a period in excess of 13 years. The submitted viability report demonstrates that the extension of the building is necessary to bring it into viable use (a final response from the Council's appointed assessor will be reported as an update). It is also considered that the increase in footfall arising from the use of the building would likely be beneficial to this part of the town centre thus resulting in an economic benefit.
- 10.23 Consequently, it is considered that subject to suitable materials being agreed, the less than substantial harm to the character of the Huddersfield Town Centre Conservation Area and the impact on the setting of nearby listed buildings is outweighed by the public benefits and securing the optimum viable use of the building and, therefore, the application satisfies the requirements of para 134 of the NPPF.

#### Residential Amenity/Future occupiers

- 10.24 Policy BE12 of the UDP sets out the Council's policy in relation to space about buildings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

- 10.25 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.
- 10.26 The proposed development would not result in significant impacts for existing properties due to its location.
- 10.27 In respect of PLP24 the scheme would provide sufficient light for future occupiers and each of the rooms is well proportioned. The 2no basement units would be lit by a long lightwell which would be positioned at ground floor level at the rear of the building. Ground floor units facing New Street would be set behind a false front so that there would be no direct loss of privacy for the occupiers closest to New Street.
- 10.28 The application has been accompanied by an Air Quality Assessment which has been assessed by Environmental Health. It is recommended that a condition be imposed concerning mechanical ventilation for those units facing the ring road.

#### Highway Issues

- 10.29 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network.
- 10.30 No off street parking has been provided but the proposal is for student accommodation which is considered a low traffic generator, the site is also located in a sustainable location.
- 10.31 Plans have been submitted showing that the building would be serviced off Alfred Street through the existing car park. The rear of the building would contain bin stores which would back onto a service yard adjacent to the car park off Alfred Street. This service yard area is also used by Wilko's adjacent. There are no objections in principle to the scheme subject to additional detail in order to ensure that the bin storage area and potential conflict with Wilko's is addressed.

#### Ecological Issues

- 10.32 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.33 The ecologist has identified a potential impact on Swifts and, therefore, a condition is recommended concerning biodiversity enhancement measures.

#### Other Issues

- 10.34 The Police Architecture Liaison Officer raises no objection to the proposed development subject to a condition requiring details of access control to the building. The application is considered to comply with policy BE23 of the UDP.
- 10.35 As the scheme comprises accommodation for students, no affordable housing or education contribution is required in this case.

## 11.0 CONCLUSION

- 11.1 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development applies. Paragraph 14 of the Framework explains how the presumption in favour of sustainable development applies. Where the development plan is absent, silent or the relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework may indicate development should be restricted. Those relating to heritage assets are one such category. Paragraph 134 of the Framework requires the harm to the significance of designated heritage assets to be balanced against the public benefits of the proposal.
- 11.2 In this case the proposal constitutes a three storey extension which would be prominent from a number of vantage points. However, the impact of the scheme has been refined to incorporate positive design elements which work to reduce the overall impact on heritage assets. The contemporary use of materials set within a more traditional design approach is considered to represent an appropriate response to the sensitive local vernacular and local heritage assets. The benefits of the scheme include securing the optimum viable use of the building and bringing back into positive use a building which has suffered from physical neglect. The use of the building as student accommodation would positively impact on this part of the town centre by increasing economic activity. The increase in housing supply at a time when the Council are unable to ensure a five year supply is also a significant positive. The less than substantial harm to the heritage assets identified is considered to be outweighed by the public benefits in accordance with paragraph 134 of the NPPF.
- 11.3 All other matters have been adequately addressed. Subject to the conditions below the proposed development is considered to represent sustainable development.

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

1. 3 years
2. Approved Plans
3. Materials including method statement, details of windows
4. Strategy for renovating existing building and details of all works including a phasing agreement.
5. Details of servicing and bin storage
6. Details of plant
7. Biodiversity enhancement
8. Crime Prevention
9. Occupation by students only
10. Construction Management Plan

### Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93886+>

Certificate of Ownership – Notice served on Kirklees Council. Certificate B signed: