
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Jul-2018

Subject: Planning Application 2017/94109 Change of use and extension of the existing office building to create 156 student bedrooms including a gym, cycle and refuse storage area, student 'hub' space, plant and services and associated landscaping. Queensgate House, Queensgate, Huddersfield, HD1 2RR

APPLICANT

Naresh Abrol

DATE VALID

30-Nov-2017

TARGET DATE

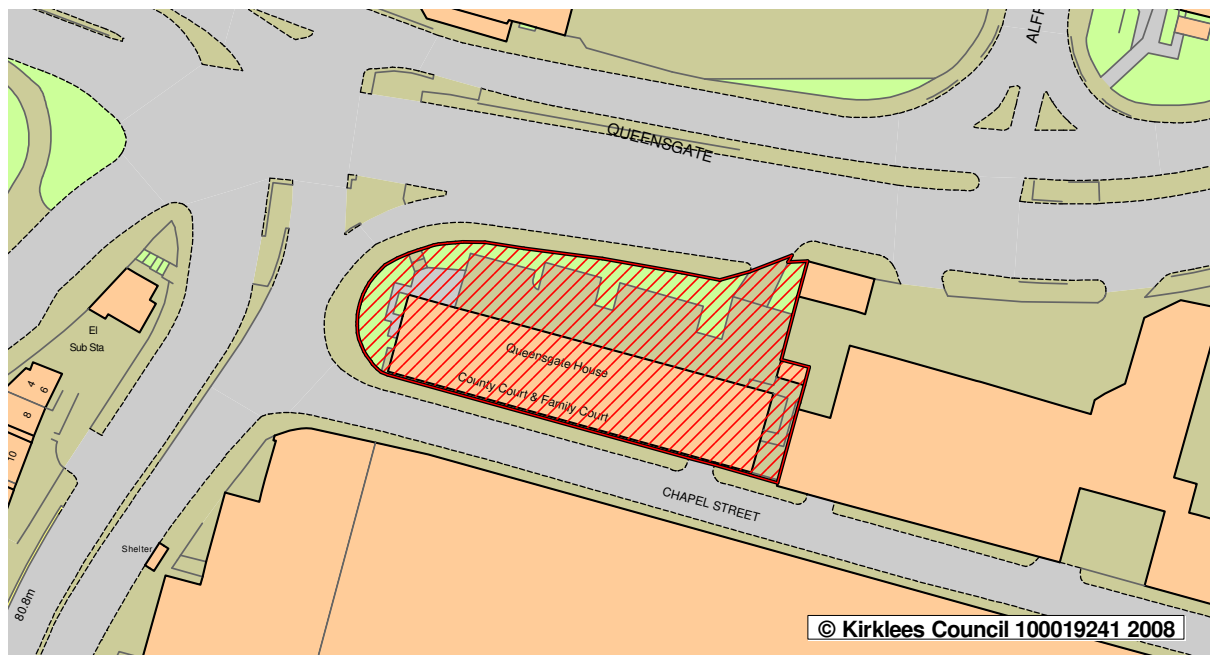
01-Mar-2018

EXTENSION EXPIRY DATE

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<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: NEWSOME

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.

1.0 INTRODUCTION:

- 1.1 This application is brought to Strategic Committee as it involves residential development in excess of 60 no units, in accordance with the Councils scheme of delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises Queensgate House, and its associated curtilage which is located at the junction of Queensgate and Chapel Hill, as such the site fronts onto the ring road. To the rear of the site is Chapel Street, which is at a lower level than Queensgate. To the east, also fronting onto the ring road, is the Pentecostal Missionary Centre, and the Majestic Wines Warehouse. On the opposite side of the Chapel Hill/ Manchester Road junction is the Lidl, and on the other side of the ring road at the junction with New Street, is the old Co-op building.
- 2.2 Queensgate House is a 3 /4 storey building, with the frontage onto Queensgate being 3 no storeys, and a basement car park accessed off Chapel Street. The building (constructed in the 1990's) is built of stone with a slate roof, and a central glazed entrance feature. The building has an office (Use Class B1a) permission, and the ground floors are occupied by the Huddersfield County Court, the upper floors are vacant.
- 2.3 The site is opposite the Huddersfield Town Centre Conservation Area, so any new development may impact upon the setting of the Conservation Area.

3.0 PROPOSAL:

- 3.1 Full permission is sought for the creation of student accommodation (156 bedrooms, with a gymnasium, cycle storage, waste storage area, and student hub space). Associated landscaping will also be provided. The cladding on the existing building would be removed and the existing frame used as a basis to convert and extend the building.
- 3.2 The development will be 7 no storeys in height, with the gym, waste storage, cycle storage a plant room on the basement floor, this will be accessed off Chapel Street. There is an existing access to the site off the ring road, and a

small parking area in front of the new building will be retained, a total of 9 no parking spaces are provided, plus turning. The main building access will be on this elevation, to the upper floors which contain the student bedrooms and communal facilities ie washing/ shower room sand kitchens.

- 3.3 As originally submitted on upper floors facing onto Chapel Street there are a number of balconies and on the fifth floor 2 communal terraced areas. The buildings shape is unusual in that is an asymmetric roof with a steep pitch to the east, and shallow pitch to the west (ie towards the Chapel Hill junction). The materials proposed are facing brick and brick panels with soldier courses, and aluminium framed cladding and curtain walling, and the roof to be tiled.
- 3.4 Amended plans have been submitted which, whilst still totalling 60 no units and being 7 no storeys high, are a more "conventional design". The fenestration pattern is more reflective of the surrounding mill buildings with a strong vertical emphasis. The top floor is essentially rooms in the roof, with the roof being a dual pitched structure, with a seamed profile metal, with metal cladding on the cheeks of the dormers.
- 3.5 The proposed materials are a stone ground floor, brick above, with differing textures, and soldier coursing in between the floors, with black rainwater good across the front elevation. Then gables, are to be the same materials with a fenestration pattern reflecting the dual pitched roof.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/91958-Erection of 13 town houses and 60 student apartments- Approved subject to a Section 106 Agreement.
- 4.2. 2017/93886- Erection of extensions and conversion of former Co-op Building to student accommodation.- Still to be determined. This application is on the opposite side of the ring road to the ring road to the current proposal.

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

- 5.1 The applicants have provided additional information regarding the current status of the building and its continued viability a an office use
- 5.2 A fundamental re design of the building to a more traditional style, with slight changes to the height of the roof, has been submitted following discussions with officers in planning and conservation.

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. TC1 Role of the town centre

TC12 Industry and Warehousing will normally be permitted.

BE1 – Design principles

BE2 – Quality of design

BE5 – Preservation/enhancement of conservation areas

BE11 – Materials

T10 – Highway safety

T19 – Parking standards

EP4 – Noise sensitive development

B4 – Change of use of land and buildings last used for business or industry

H8 – Change of use to residential

6.3.

Emerging Local Plan.

PLP3 Location of new development

PLP8 Safeguarding employment land

PLP13 Town Centre uses

PLP15 Residential in town centres

PLP20 Sustainable travel

PLP21 Highway safety and access

PLP22 Parking

PLP24 Design

PLP28 Drainage

PLP46 Waste Disposal

PLP51 Protection and Improvement of Air Quality

PLP52 Protection and Improvement of Environmental Quality

6.4 National Planning Guidance:

Part 1 Building a strong and effective economy

Part 2 Ensuring the vitality of town centres

Part 4 Promoting sustainable transport

Part 6 Delivering a wide choice of high quality homes

Part 7 Requiring good design

Part 8 Promoting healthy communities

Part 10 Meeting the challenge of climate change flood risk and coastal change

Part 12 Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by site notices and letters. To date there is one objection, this is from the Ministry of Justice on behalf of the County Court, which still occupied the bottom half of the building. The main concerns being;

1. The County Court wished to remain in this location, and as such the Queensgate Building can continue to support employment uses, in accordance with the requirements of Policy PLP8 of the Emerging Local Plan.

7.2. Huddersfield Civic Society.- This conversion and extension is actually a demolition and rebuild, with a larger structure clad in an entirely inappropriate material. The proposal represents overdevelopment of this small site, it is too tall, and the use of brick is contrary to policy BE11 of the Unitary Development Plan, and paragraph 60 of the National Planning Policy Framework. The proposal would significantly damage the vista which has such importance to local people

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Yorkshire Water Authority – no observations.

KC Highways DM-No objection in principle, this is in a sustainable location. Detailed issues need to be addressed regarding refuse disposal, and delivering sustainable modes of transport. A strip of land adjacent to the ring road, would need to be safeguarded from development to allow for improvements to the ring road.(This has been secured on the neighbouring site).

8.2 Non-statutory:

KC Environmental Health- Recommend conditions regarding decontamination, noise.

Site is in an Air Quality Management Area, accordingly appropriate mitigation is needed, and should be conditioned.

KC Conservation and Design. The scheme fails the policies of the UDP, The Emerging Local Plan and part 7 of the NPPF (Detailed comments within the assessment (Urban Design Issues).

Police Architectural Liaison Officer No specific objections to this application, would request a condition be imposed covering the submission of crime prevention measures.

KC Lead Local Flood Authority- Indicate that at this stage insufficient consideration has been given to the means of satisfactorily draining the site, with the new development.

KC Environment Unit- No objections subject to imposition of conditions to secure additional habitat opportunities

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the UDP, but is a building last/ still in employment use. Within an area designated as an Employment Priority Zone in the emerging local plan. As such Council policies B4 from the UDP and PLP 8 from the Emerging Local Plan are relevant.
- 10.2 Both of the above policies presume in favour of retaining existing employment sites, unless it can be demonstrated that they are no longer capable of being used for such a purpose, or not likely to be used again for employment, in which case it would be appropriate to consider an alternative use that would not prejudice the continued delivery or operational requirements of neighbouring employment uses.
- 10.3. This site was purposely built for offices in the 1990s, and is still in operation on the ground floors for the County Court. It is still in operational use, and there are a number of employees on the site. The occupiers have raised an objection to this proposal stating that the building is suitable for their continued use, and they wish to continue their occupancy.
- 10.4 The applicants have indicated that the upper floors of the building are vacant and there has been little interest in their take up. Also that the building is in a poor state of repair, and not up to an appropriate standard for modern offices.
- 10.5. As such set against the criteria of Policy B4 of the UDP, and Policy PLP 8 of the Emerging Local Plan, it would appear the site is still within employment use, and there is still demand for its continued use. Also the building is fairly modern and was purposely built for office type uses.
- 10.6 Set against this is the proposal is for student accommodation, and it is a site close to the University, in a sustainable location, and there are Town Centre Policies which encourage development which benefits the University.
- 10.7 Given that the accommodation is for students, the Council's lack of a 5 year housing supply, is not a material consideration in favour of the development.
- 10.8. The applicants have submitted a statement relating to the development, in terms of both its design and how that has evolved through negotiation, but also the current status of the site as office accommodation.

10.9. Also received is a letter on behalf of the existing courts occupier objecting to the scheme.

Both have requested that the contents of the letter be made available to Members for their consideration. As such instead of summarising each of the letters are attached in full below:

Applicant's representation:

Further to our discussion of last week I am writing to provide you with an update as to my client's discussions with the current tenants to enable you to accurately reflect the current position in your report to committee on the 5th July.

As you are already aware the Magistrates Court occupies two floors of the building (ground and first) as set out in the Planning Statement that supported the planning application. The Magistrates Court 25 year lease expired in December of last year and they are currently holding over.

The Court is continuing to seek a shorter term lease with a 3 year break clause. This is not feasible for our client who requires more certainty for reasons of bank lending on this asset. For the same reason our client must demonstrate a future viable use of the building.

Our client has responded to the Court's request as recently as this month with four alternative options with regards their future occupation of the building which include the option to buy the freehold of the building or taking a lease on the entire building. No response has been received to these offers and it is understood that the Court intends to pursue its offer of a short term lease.

As you are already aware the second floor of the building is currently vacant and has been since on and off for some 8 years, having only secured a short term lease during this period which expired some four years ago. It is, therefore, critical for our client that they identify a use for the entire building for the medium to long term.

This situation is not unique to Queensgate House. The former job centre at Crown House, Huddersfield has been on the market for over a decade, offering circa 58,000 sq. ft. of accommodation in a variety of forms, but has been unsuccessful in securing occupiers.

We understand from our colleagues in office agency based in Leeds that the most demand is taken up in the Buckley Innovation Centre close to the University. Larger businesses have tended to favour the convenience of the motorway business parks and it also means they can benefit from the efficiencies of open plan floor plates together with allocated car parking spaces. Some businesses have taken the decision to relocate to alternative locations such as Leeds and Halifax where Dean Clough Mill has been really successful at attracting the bigger corporate occupiers based on the access to skilled staff and costs/availability of space. There is, therefore, little to no demand for outdated office space in Huddersfield such as Queensgate House which has resulted in the poor offer from the Court.

Based on these trends, the current evidence of lack of interest in the existing building for the second floor and for a longer term lease from the Court our client has been forced to consider alternative options to secure their investment and to avoid the consequence of a vacant building.

The current scheme to convert the building to student accommodation will support the growth of the University which is part of the Council's strategy for the town. Significant effort has been made in discussion with representatives of the Council to ensure that the design satisfies local design

requirements whilst at the same time presenting a scheme that will update the existing building which occupies a prominent gateway location, so presenting the opportunity to signpost the University. We understand that the current design approach is welcomed.

The proposals are also complementary to those that have been approved on the adjoining site and more recently on the opposite side of the road within the former Co-op building. Significantly it is worth highlighting that consent for change of use of the building to residential use could be secured via the prior approval route, which would also result in the change of use of the site. However, our client has taken the decision to pursue a more comprehensive approach to the building, including its external appearance which is expected to be of more benefit to the town.

Please could you reflect the information in this letter in your presentation to members next week and we will be available to answer any questions.

Objector's representation:

GVA are instructed on behalf of the Ministry of Justice ("MoJ") to submit representations on the above planning application which proposes the redevelopment of Queensgate House, Queensgate for purpose built, managed student accommodation.

Further to our recent discussions our client wishes to restate to the Council their aspiration to remain within the premises and object to the proposals, principally due to a conflict with the objectives of the emerging Kirklees Local Plan.

Background and Context

As has been previously set out, Huddersfield County Court and Family Court, which currently operates from Queensgate House is a First-Tier Tribunal administered by HM Courts and Tribunals Service and is responsible for handling appeals and civil legal proceedings relating to divorce, child support, bankruptcy and social security. The Courts have operated from Queensgate House since the 1990s and it is the intention of the MoJ that they continue to do so for the foreseeable future. In this regard the MoJ would like to make Officers aware that they are currently engaged in on-going negotiations with the applicant to extend their current tenancy lease. For your information the Courts occupy approximately 14,000 sq ft of the 21,000 sq ft building.

It is the MoJ's preference and intention that the Courts remain active from Queensgate House for the foreseeable future. Queensgate House is therefore capable of retaining an employment generating use and notably accommodating an important civil function for Huddersfield town and the wider Kirklees area.

The operations of the County Court and Family Court represent a significant and important facility for the community and the local economy. In summary we would highlight that:

- A central Huddersfield location is critical to the efficiency of the operations of the Courts, that is being in close proximity to other key departments, agencies and public bodies around the Civic Centre area of the town.
- There are 27 full time equivalent staff employed at the Courts who would be impacted and would need to relocate to Leeds or Bradford in the absence of any other suitable premises being available in Huddersfield.
- In recent years there were 435 civil hearing days, over 500 family hearing days and 147 Tribunals hearing days at the County Court (representing over 1,000 days of hearings each year).
- This work could not all be retained in Huddersfield should the courts not be able to continue to operate from Queensgate House and therefore there will inevitably be a negative impact for people who need to attend court in Huddersfield.
- In addition, the loss of this activity in Huddersfield would also impact on a wider range of services such as the other locally based legal and other professional who serve the court, i.e. it is likely that this work would switch to other legal and professional services firms based in Leeds and Bradford.

Planning Policy Assessment

In terms of the planning policies against which the application should be assessed, it is noted that the Publication Draft of the Kirklees Local Plan allocates Queensgate House for "employment generating uses" in a Priority Employment Area (Policy PLP8). Under this Policy the change of use of site and premises last used for employment purposes will only be supported where it can be demonstrated that the premises are no longer capable of supporting employment generating use. This Policy has now been subject to examination and presented to the Planning Inspector with the site allocated as a Priority Employment Area, as such weight should be applied to this policy and its objectives in determining the application.

The information submitted in support of the planning application does not in our view address the need to provide evidence in respect of Policy PLP8 which requires proposals for the redevelopment of sites in "Priority Employment Areas" (within which Queensgate House is situated) to demonstrate that:

- a) the site or premises are no longer capable of employment use; and
- b) the proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.

We would suggest that the building is clearly capable of remaining in employment use (criteria a) and that no evidence to the contrary has been submitted to the Council. Indeed, it is evident that there is demand for the retention of employment generating uses within this site and as such the proposals are in conflict with Policy PLP8.

In addition to the above, it is noted that the recently examined Local Plan supports the development of residential uses, inclusive of student accommodation within the town centre. As such, if Officers anticipate that the identified need for purpose built student accommodation could be met within the designated town centre, it should not be necessary at this stage to release alternative employment sites outwith the town centre boundary where there is evidence of continued demand for its allocated use.

In summary, granting planning permission for the conversion of Queensgate House to student accommodation, would be contrary to the up-to-date policy objectives of the emerging Kirklees Local Plan and will result in the loss of an important employment generating use and a key civil

function for Huddersfield. Our client respectfully requests that planning permission be refused on this basis.

We would be grateful if you could take the above comments into account in determining the application and when reporting the proposals to Planning Committee. Furthermore, we would welcome the opportunity to discuss this with you further.

Should you wish to discuss our client representations further please feel free to contact me.

- 10.9. Set against the entire area of the Employment Priority Zone this site is located in, the loss of floorspace would be insignificant and not prejudice the Councils Employment delivery objectives, in the Emerging Local Plan as the site is not specifically allocated for employment.

- 10.10. As an alternative use (student accommodation), on this location would not prejudice the continued employment use of adjoining employment sites. Indeed, such accommodation has been approved on a neighbouring site (that is outside of the Employment Priority Zone), but is still as close to the existing employment uses.
- 10.11. Whilst the ground floors are still occupied, the upper floors are not occupied and have been vacant for some time. It is accepted that this floorspace has been marketed, and that there is no interest in the upper floors, which must impact on the feasibility of retaining the entire building in such use. Paragraph 22 of the NPPF, indicates that planning policies should avoid the long term protection of sites allocated for employment, where there is no reasonable prospect of the site coming forward for that use. Policy PLP8 is a flexibly worded policy that allows for alternative uses to come forward subject to adequate justification.
- 10.12. The existing tenant has indicated that approval of this scheme could result in the workforce and the function (county court) having to relocate if suitable alternatives could not be found in Huddersfield.
- 10.13. The differing interpretations of policies B4 and PLP8, needs to be considered and balanced against the other material considerations including planning policies with respect to quality of design, Town Centre regeneration and support for the growth of the University.

Do Members have any comments to make on this section?

Urban Design issues

- 10.13. The application building is the town centre, and whilst it is 3/ 4 storeys is not overly prominent in the street scape. Whilst it is constructed of stone, it is a fairly common design, and whilst a neat and tidy solution for that corner, it is not considered to be of sufficient merit to object, as a matter of principle to its removal and replacement.
- 10.9. The application seeks the removal of the current building and its replacement with a substantially larger building totalling 7/8 storeys in height.
- 10.10 As originally submitted the scheme was an "unorthodox" design that was not considered to be appropriate within the context of its setting and surroundings, either in terms of style or massing.
- 10.11. Amended plans have been received which, whilst still 60 units are a more conventional design, that is reflective of much of the surrounding industrial heritage. The bulk of the building is slightly less than previously submitted, aided largely by the more regular roofline, and incorporation of rooms into the roof.
- 10.12. Also of relevance in this respect is the recent approval of developments in the vicinity , especially on the old Coop building opposite, and the neighbouring site to the south, which did have permission for mixed use scheme including apartments/ student accommodation), but has now expired.

10.13 The materials proposed are natural stone on the ground floor, and brick on the upper floors, with different textures and coursing eg soldier courses between the floors. It is considered that this mixture can be justified in this instance, and on neighbouring sites, on the ring road, different materials than purely natural stone have been agreed ie on the Coop building opposite, the neighbouring development incorporated cladding and glazing, and also the Oastler building which has a mix of materials, other than areas of natural stone.

Do Members have any comments on this section?

Highway issues

10.14 The premises are located on the corner of Queensgate (A62 Huddersfield Ring Road) Chapel Hill with Chapel Street running to the rear. There is some associated parking provision to the front of the premises, this is considered adequate due to the proposal being in a sustainable town centre location. There is a general need to preserve opportunities to modify the capacity of the Ring Road approaches to traffic signalised junctions. To that end Kirklees Council have agreed with the developer that a 2m wide strip of land owned by the developer along the Queensgate development site frontage on the adjacent site (planning ref 2014/91958) is to be dedicated to the Council via a TCP Section 106 Agreement so that carriageway widening can take place at some future date. To continue this proposal a small strip of land 2m in depth would be required from the frontage of this development.

10.15. The councils cleansing department have been consulted as part of the process and have made the following comments.

10.16 Concerns are raised over the size of the proposed bin stores, a development of this size would require a significant increase in the number of bins to facilitate a fortnightly collection of waste. If the bin stores are to accommodate less than this, a chargeable collection arrangement would be required. The grey and green bin areas should also be segregated to deter improper use of the recycling arrangements. Clarification should be sought with the Councils refuse collection department to address concerns regarding the waste storage facilities as required. The amended scheme has introduced some additional information and clarification, in this respect, and improvements have been made that should be capable of being retained for the lifetime of any development, and secured via condition.

Do Members have any comments on this section?

Environmental Issues (Noise, and Air Quality)

10.17. The site is located right next to the ring road, and as such both noise and air quality issues will need to be addressed as part of any redevelopment or change of use for the site.

10.18 The application as Noise Report, and Air Quality Statement. It is considered that both of these issues can be satisfactorily dealt with via the submission of attenuation measures through condition, and subsequent verification prior to any occupancy

10.19. Also of relevance is that similar scheme for residential and student accommodation have been agreed in close proximities to the ring road, including the immediate neighbouring site, and more recently the agreed extension, and refurbishment to the Coop building directly on the opposite side of the ring road

Do members have any comments on this section?

Drainage issues

10.20 The Lead Local Flood Authority have raised objections based on the information provided. The scheme is not for demolition and rebuild, and as such a full flood risk assessment would not be required. The existing drainage strategy would have to be adapted to the increased intensity of the building, and the agreement of the Yorkshire Water Authority to maintain a link to the surrounding sewage network agreed. Yorkshire Water Authority have raised no objections to the proposal

10.21. It is considered that the site can be satisfactorily drained, and that this can be covered by the imposition of conditions

Do Members have any comments on this section?

Bio- diversity

10.22. The submitted Ecological information indicates that it is unlikely that this redevelopment would result in any significant ecological impacts. Nesting swifts have been recorded in the near vicinity. There is an opportunity for ecological enhancement aimed at this species and this should be secured via a condition requiring a method statement for the inclusion of swift nest boxes and means of encouraging their use.

Do members have any comments on this section?

11.0 CONCLUSION

11.1 The contents of this report be noted.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f94109>

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