
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 03-Jan-2019

Subject: Planning Application 2018/93050 Use of existing building for university teaching accommodation (Class D1) Queensgate House, Queensgate, Huddersfield, HD1 2RR

APPLICANT

N Abrol

DATE VALID

18-Sep-2018

TARGET DATE

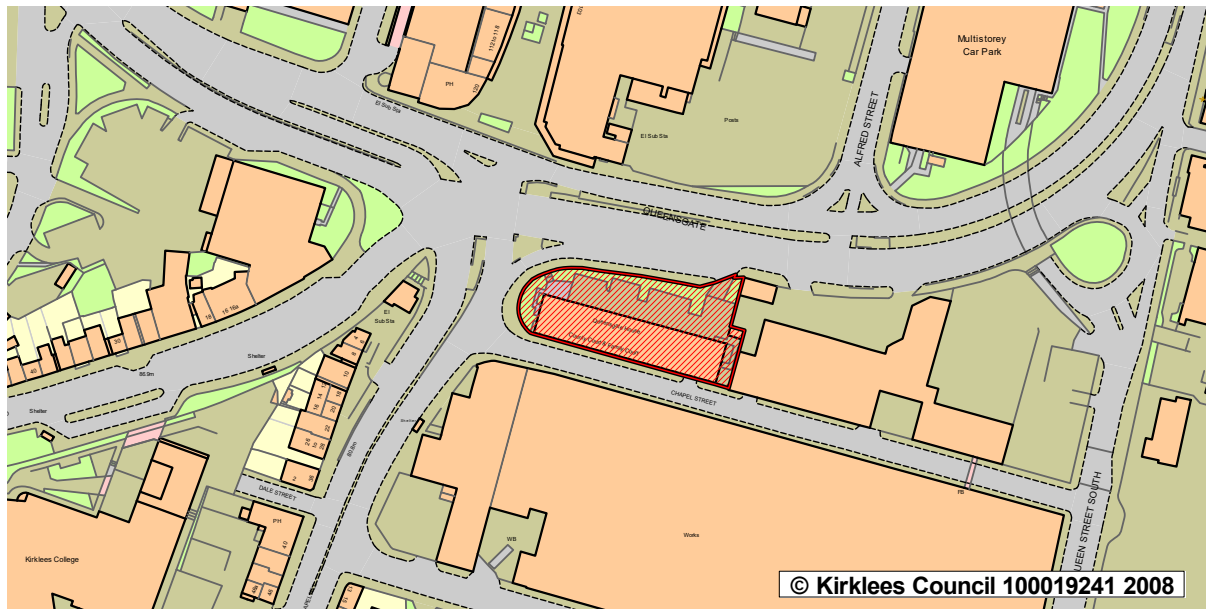
13-Nov-2018

EXTENSION EXPIRY DATE

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: Newsome

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION

Delegate Approval of the decision and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions, including those contained in this report, and to secure the signing of a Section 106 to;

1. Ensure the safeguarding of a strip of land within the site frontage for future highway improvements to the Huddersfield Town Centre Ring Road.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 The application seeks a change of use from mixed County Court (D1 / Sui Generis) and Office (B1) to teaching accommodation for the University (D1).
- 1.2 The application is brought to Planning Committee at the request of Cllr Julie Stewart-Turner due to concerns over the proposed change of use resulting in the loss of the Huddersfield County and Family Courts.
- 1.3 Officers considered that it would be reasonable to be brought to the Strategic Sub-Committee over the area Huddersfield Sub-Committee in the interest of consistency, because the site had recently being considered by the Strategic Sub-Committee in regards to a separate application.
- 1.4 The above has been discussed and agreed with the chair of the strategic committee in accordance with the Delegation Agreement.

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. The building (constructed in the 1990's) is built of stone with a slate roof, and a central glazed entrance feature.

2.2 Queensgate House is a split level building, with the frontage onto Queensgate being three storeys in height while the rear is four storeys with a basement level car park which is accessed off Chapel Street. The ground and first floor currently host the Huddersfield County Court, which is a combined D1 and Sui Generis Use, with the second floor having a general B1 office use. The second floor office has been vacant for several years.

2.3 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 Lidl foodstore and on the other side of the ring road at the junction with New Street, is the old Co-op building and Huddersfield Town Centre.

3.0 PROPOSAL

3.1 The proposal seeks a change of use from mixed County Court (D1 / Sui Generis) and Office (B1) to teaching accommodation for the University (D1).

3.2 The University have confirmed that it would be occupied by outward facing elements of its School of Human & Health Sciences, including providing student led clinics for podiatry and physiotherapy.

3.3 The lower ground floor is to be retained as car parking. No alterations or enlargements to the building are proposed. No external works within the site are proposed.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

90/00114: Development for use as B1 use business – Conditional Full Permission

92/04599: Use of ground floor and first floor as country courts and auxiliary functions and administrative offices – No objections

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 – Refused

2018/92457: Prior approval from change of use from office (B1) to 40 residential dwellings (C3) – Withdrawn

4.2 Surrounding Area

Queensgate (adjacent retail units)

2014/91958: Outline application for erection of 13 townhouses and 60 bed student accommodation with (A1) retail and (A3) commercial uses – S106 Outline Permission

Co-op Building, 103, New Street

2017/93886: Erection of extensions and alterations to convert existing building to student accommodation (within a Conservation Area) – Conditional Full Permission

4.3 Enforcement History

None on site. None in the area deemed relevant.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 Officers sought clarification on how the University intended to operate within the site, in addition to securing the agreement for the provision of an area of land to the Highway.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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.

6.2 On the UDP Huddersfield Town Centre Insert Map the site is Unallocated, however is within an area where industrial and warehousing development will normally be permitted.

6.3 The site is Unallocated on the PLP Policies Map, within a designated Priority Employment Area.

6.4 Within both the UDP and PDLP the site is adjacent to the Huddersfield Town Centre Conservation Area.

6.5 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **BE1** – Design principles
- **T10** – Highways accessibility considerations in new development
- **T19** – Parking standards
- **B1** – Business and industry (strategy)
- **B4** – Premises and sites with establishes use, or last used for business and industry
- **TC1** – Huddersfield Town Centre

- **TC12** – Industry and warehousing
- **TC20** – Buildings of character

6.6 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP8** – Safeguarding employment land and premises
- **PLP9** – Supporting skilled and flexible communities and workforce
- **PLP17** – Huddersfield Town Centre
- **PLP19** – Strategic transport infrastructure
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP49** – Educational and health care needs
- **PLP51** – Protection and improvement of local air quality

6.7 National Planning Guidance Framework

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised via site notice, press notice and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement. The end date for publicity was the 15th of October, 2018.

7.2 One representation has been received in response to the period of advisement. The following is a summary of the comments made;

- The proposal states that there would be public benefits to the development that outweigh the loss of jobs. These are not substantiated and is objected to. No evidence for demand has been provided.
- No elevation or floor plans have been provided, making it difficult to ascertain the exact nature of the proposed development. For example, is the whole building for class rooms?
- The existing building is capable of retaining a demonstrated employment use which has an important civic function of Huddersfield. The Court's accommodates 27 full time jobs which would be lost, in addition to the second floor offices. These jobs, including law professionals, would move out of Kirklees to Leeds/Bradford.

Ward Member Interest

7.3 While not a major development, given the recent planning history of the site officers notified the local ward members.

7.4 Cllrs Karen Allison and Andrew Cooper made comment on the description of the development. Cllr Julie Stewart-Turner expressed concerns, as outlined in section 1 of this report, relating to the loss of an existing employment use.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to conditions and the securing of a S106 for carriageway widening.

8.2 Non-statutory

None required

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

Sustainable development

10.1 NPPF Chapter 2 and PLP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

10.2 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) 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]’

All these considerations are addressed later in this assessment.

10.3 The application must also be considered against TC12, as the site is within an ‘area where industrial and warehousing development will normally be permitted’. While not falling within these criteria, the policy does not exclude

other development. Given the site's close proximity to the larger university campus, and the gradual change in the character of the area since the adoption of the UDP, the proposed use is considered appropriate within the area.

- 10.4 Consideration must also be given to the emerging local plan. The site is without notation on the PDL Policies Map. PLP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

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

Change of use and economic impact

- 10.5 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 PLP8 from the Emerging Local Plan are relevant.
- 10.6 Both of the above policies presume in favour of retaining existing Employment Generating Uses, 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.
- 10.7 This site was purposely built for offices in the 1990s, and is occupied on the ground and first floors by the Huddersfield County Court and Family Court. Therefore, it is still in operational use, and there are approximately 27 people employed at 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, while the applicants have challenged this in relation to the length of tenancy the current users want.
- 10.8 The phrase "Employment Generating Use" is taken from the National Planning Policy Framework which allows for flexibility within a plan, in that non B-use class operations may be appropriately located within Priority Employment sites, providing they meet the criteria within the Local Plan. The glossary in the Emerging Local Plan also describes "economic development" as a wide range of uses including main town centre uses.
- 10.9 The proposed development, while principally educational, would include employment of its own and therefore can be considered an employment generating use. PLP8(1) states that proposals for the re-development for employment generating uses in Priority Employment Areas will be supported where there is no conflict with the established employment uses in the area. While being a teaching facility, the University have confirmed that in addition to students circa 35 jobs will be provided within the site. This is between teaching, administrative and support staff. Officers are satisfied that there

would be no conflict with neighbouring business through the proposed development.

- 10.10 This is also considered in the context of needing to support the University's growth and development, which is a significant generator of income for the local economy, in accordance with PLP9 and PLP17 of the PDL. Furthermore, in terms of future employability within the district, the University has a key role in helping to address skill gaps.
- 10.11 Officers acknowledge that the court is in operation on the ground floor and is an employment generator, although like the proposed use it is not a typical B-use class (being sui-generis). However it is not the purpose of the planning system to interfere in matters of competition or private legal matters between landlords and tenants. The proposal seeks planning permission to replace one employment generation use with another, which officers are satisfied have equivalent employment credentials. Each have other benefits and merits, however for the reason given above, officers considered the proposal to comply with the relevant planning policies.
- 10.12 Turning to the office use on the second floor, it is not occupied and has been vacant for a prolonged period. It is accepted that this floor space has been marketed for the last 8 years, with the last tenant being the council. Officers are satisfied that the applicant has evidences 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.
- 10.13 Concluding on the above, officers are satisfied that the proposed development would not conflict with Policies B4 of the UDP and PLP8 of the PDL, while complying with the aims and objectives of Chapter 6 of the NPPF.

Urban Design issues

- 10.14 No physical alterations or enlargements are sought to the building, or changes to the external landscaped areas. Therefore there are no design concerns related to the proposal.

Residential Amenity

- 10.15 There are no closely associated residential dwellings within the area. The nearest dwellings are flats above retail units fronting onto Chapel Hill. These are in excess of 50.0m away from the building, separated from the site by a main road. Furthermore no external alterations/enlargements are proposed and the proposed use would not have a materially different impact to the existing use in terms of noise generation and overlooking from the building's windows.
- 10.16 It is noted that the adjacent retail units to the east of the site have a historic permission for residential use (2014/91958). While the permission has expired, it demonstrates that the neighbouring site has residential development potential. However, because of the same considerations outlined

above, officers are satisfied that the proposed development would not restrict the residential development of the neighbouring site.

Highway issues

- 10.17 Access arrangements are not to change and no physical development is proposed which could impact on driver sightlines. Waste storage and collection arrangements are to remain as existing, which is acceptable.
- 10.18 The building has 23 parking space within the basement which are to remain for essential users. The car parking area to the front is to be utilised for disabled staff and drop off and pick up. Officers and K.C. Highways are satisfied that the proposed development would not have a greater demand for parking than the site's existing use.
- 10.19 Notwithstanding the above the application site is considered to be a highly sustainable location. The site is within 50m of Huddersfield Town Centre, which benefits from strong public transport links to the local and wider region. Furthermore the site is within close walking distance to numerous student residences with further residences being connected by a dedicated University bus. Weighing this, and the site's existing use, it is concluded that the proposed development is acceptable from a Highways perspective. The Council's Highways Development Management Team has reviewed the proposals and has indicated that it does not wish to object to this development.
- 10.20 In regards to the clinic element of the proposal, this is not anticipated to be materially different to the existing public facing element of the building, subject to a condition limiting its floor area size. The clinic is to be moved from the Ramsden Building which is currently 240sqm. A similar size, with room to growth, will be conditioned. The site is adjacent to Huddersfield Town Centre, with the parking and public transport opportunities provided within, in addition to street parking on Chapel Street.
- 10.21 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. There is a small area of land to the front of this site that is needs to be kept free from obstruction to safeguard this potential future improvement. The small piece of land in question is within the red line area of the site (as conformed by the applicants land registry title), and as such would be safeguarded by a Section 106 Agreement.
- 10.22 Concluding on the above, subject to the above referenced matters, officers are satisfied that the proposed development would not harm the safe and efficient operation of the Highway, in accordance with Policies T10 and PLP21.

Other Matters

Air Quality

- 10.23 The proposal is adjacent to an area of Air Quality Concern. In accordance with Chapter 11 of the NPPF and Policies PLP24 and PLP51, if minded to approve,

a condition is to be imposed requiring the provision of electric vehicle charging points. This is in the interest of mitigating the impact of the development on air quality and supporting the use of low carbon forms of transport. This would also accord with the West Yorkshire Low Emissions Strategy.

Representations

10.24 *Object*

- The proposal states that there would be public benefits to the development that outweigh the loss of jobs. These are not substantiated and is objected to. No evidence for demand has been provided.

Response: The applicant has provided a redacted heads of terms between themselves and the University, which is considered to show sufficient intent in terms of demand.

- No elevation or floor plans have been provided, making it difficult to ascertain the exact nature of the proposed development. For example, is the whole building for class rooms?

Response: It is noted that no proposed floor plans have been provided. When the applicant was questioned on this, they stated the existing floor layout is to be utilised, bar minor alterations. In terms of assessment, officers are satisfied that the proposal can be appropriately considered without exact internal layouts.

- The existing building is capable of retaining a demonstrated employment use which has an important civic function of Huddersfield. The Court's accommodates 27 full time jobs which would be lost, in addition to the second floor offices. These jobs, including law professionals, would move out of Kirklees to Leeds/Bradford.

Response: These issues are considered at length within sections 10.5 – 10.13 of this report. In summary, officers are satisfied that the proposed development would have an equivalent job provision. In terms of the existing use, it is not the purpose of the planning system to interfere in matters of competition or private legal matters between landlords and tenants.

10.25 *Support*

None received.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 The site is within a Priority Employment Area with an existing use operating on two of the three floors. Policy requires consideration on the potential impact upon business operations and job provision. Despite neither being true 'office' uses, both the existing and proposed uses are considered to be employment

generators. While the Huddersfield County and Family Court does operate within the building, the principle of development in terms of planning policy is considered to be acceptable.

11.3 In terms of local impacts, there are no external physical alterations sought. The proposal is not considered harmful to, visual or residential amenity or Highway Safety. An area of land adjacent to the ring road is to be secured via S106 to secure to future highway improvements.

11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. 3 Year Time Limit
2. In accordance with plans
3. Condition limiting the 'clinic' floor space
4. Electric Vehicle Charging points

Background Papers

Application and history files available at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93050>

Certificate of Ownership: Certificate A signed