KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2017/62/94237/W
Site Address:	Sesame Insure Independence House, Holly Bank Road, Lindley, Huddersfield, HD3 3HN
Description:	Change of use from B1 (business) to D1 (non-residential institutions) (within a Conservation Area)
Recommending Officer:	Francis Davies

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 07-Mar-2018

Officer Report

Reference: 2017/94237

Proposal: Change of use from B1 (business) to D1 (non-residential institutions) (within a conservation area)

Location: Sesame Insure, Independence House, Holly Bank Road, Lindley, Huddersfield, HD3 3HN

Site Description

The application relates to a large multi-occupancy commercial building, Independence House. The site presents as two large buildings, constructed from stone and linked by a high-level bridge. The roof of the building is of a gable design and has been finished in concrete tiles so as to blend with the character of the conservation area.

The application site benefits from a large car park (east) whereby spaces are assigned to each business. Access to the car park is taken off Holly Bank Road while the egress from the car park is onto Hall Lee Fold. The site is well secured with substantial boundary treatment inclusive of mature vegetation and a stone wall approximately 1m tall.

Description of Proposal

The application seeks planning permission for a change of use for a ground floor area, approximately 92.5m², from B1 (Business) to D1 (Non-residential Institutions).

The proposed use of this space is for a private GP clinic offering private GP consultations, medical checks, travel clinic, HGV medical and sexual health screening as well as Medical Aesthetics and a Laser/IPL (Intense Pulsed Light) clinic.

The stated hours of operation for the site are 8am to 8pm Monday to Friday, 8am to 13:30pm on Saturday and closed on Sunday.

The submitted application forms details that building work for the change of use commenced on 1/9/2017 and was completed on 1/10/2017.

History of negotiations

Negotiations were held between the planning officer and applicant regarding available parking spaces. As such the applicant has increased the number of parking spaces provided from 4 to 5 with a view to increase this provision as required.

Relevant Planning History

- 2017/94238 – Erection of signs – Withdrawn

- 93/02158 – Temporary siting of a prefabricated building (Refused)

- 93/02313 – Erection of illuminated sign (Advertisement consent refused

- 92/03228 – Erection of 2-storey office extension with basement and bridge line with associated parking and landscaping (Conditional Full Permission)

- 91/04533 – Erection of 12 luxury flats (Conditional Full Permission)

- 89/07251 – Outline application for warden controlled sheltered housing scheme (Conditional Outline Permission

- 89/03312 – Outline application for warden controlled sheltered housing scheme (Refused)
- 88/02120 – Outline application for residential development

- 88/02121 – Conservation area consent for demolition of former dwelling and garage block (Withdrawn)

- 88/02122 – Conservation area consent for demolition of staff dwelling and adjoining buildings (Withdrawn)

- 88/02123 – Conservation area consent for demolition of single storey teaching rooms, offices and garages (Consent Granted)

Representations

Final publicity date Expires: 15/01/2018

A summary of the comments received is set out below:

- The number of parking spaces allocated to the clinic would be insufficient and does not account for a growth in the number of patients
- Expansion of the clinic may result in more evening and weekend hours of working
- Hazardous was disposal is not specifically addressed in the application
- The proposal will lead to an increase in vehicular traffic to the site

Consultation Responses

KC Highways were informally consulted regarding this application and raised no objection.

Policy

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

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

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The 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.

The site is unallocated on the UDP Proposals Map and remains unallocated on Kirklees Publication Draft Local Plan. It is noted that the application site falls within the Edgerton conservation area.

- Access considerations – None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE5 – Conservation Areas
- T10 – Highway Safety
- T19 – Parking Standards
- B4 – Change of Use of Business Uses

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP21 – Highways Safety and Access
- PLP22 – Parking
- PLP35 – Historic Environment
- PLP49 – Educational and Health Care Needs
- PLP52 – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Paragraph 17 – Core Planning Principles
- Chapter 7 – Requiring good design
- Chapter 8 – Promoting healthy communities
- Chapter 11 - Conserving and enhancing the natural environment

Assessment

The mains considerations in the determination of this application are:

1) Principle of Development
2) Change of use of Business Premises
3) Impact on Visual Amenity and Conservation area
4) Impact on Residential Amenity
5) Impact on Highway Safety
6) Other Matters

Principle of Development

The NPPF provides a presumption in favour of sustainable development.

Policy D2 of the UDP requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure.

As the proposal comprises a change of use on a site of existing multiple commercial businesses, it is regarded as sustainable development and is acceptable in principle, subject to appropriately addressing other planning matters.

It is noted that the operation of the site commenced in October 2017 after confusion regarding the need for planning permission.

Change of use of Business Premises

The proposal would lead to a small loss of B1 office employment space within the host building and Policy B4 therefore needs to be considered. Whilst there would be a loss of B1 office space the proposal would provide a wider community benefit by providing a private health provider which is supported by Policy PLP49 of the draft Local Plan. The scale of the change of use at 92.5m2 is considered to be modest in relation to the scale of the existing

building and the application form details that 6 part time jobs would be provided. Given the retention of jobs and the community benefit provided by the change of use the proposal is considered to be acceptable in terms of the small loss of office space.

Impact Visual Amenity and the Conservation Area

As a proposed change of use, the application does not include an alteration to the external appearance of the building. Consequently, the proposed change would not have a material impact on the Edgerton conservation area. As such the proposal is considered to comply with the aims of policy D2 and BE5 of the Unitary Development Plan (UDP), Policies PLP1, PLP24 and PLP35 of the publication draft Local Plan (PDLP) and guidance contained within paragraph 17 and Chapter 7 of the NPPF.

Impact on Residential Amenity

The proposed private GP clinic would occupy a ground floor space of approximately 92.5m², of Independence House. At present Independence house hosts a number of commercial operations although it is advised that the surrounding area is predominately residential. Notwithstanding the above it is noted that Independence house is self-contained with significant boundary features that would not be amended as part of this application.

The stated hours of operation for the site are 8am to 8pm Monday to Friday, 8am to 13:30pm on Saturday and closed on Sunday. It is noted that the consent from the 1992 permission for the extension to the original building (92/03228) restricted the of use for use at the site from 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays with no working on Sundays or Bank Holidays. The proposal would therefore increase these hours of use for a small part of the site. The proposed use is not considered to be a high generator of noise and therefore the extended hours of use are not considered to be detrimental to residential amenity. However the site is within proximity to a number of residential properties, it is therefore considered appropriate to condition the stated hours of use, though hours on a Saturday will be extended to provide some additional flexibility to the sites operation.

Given the limited scale of the proposal it is believed that there would be little if any impact upon the residential amenity currently enjoyed by surrounding residents. The proposal is therefore deemed to comply with the aims of Policy D2 of the UDP and Policy PLP1 of the PDLP.

Highway Safety

The UDP parking standards advise that non-residential institutions (Medical) should provide as a minimum 4 spaces per consultation room. While the application does not expressly state the number of consultation rooms provided it is anticipated that there would be more than 1. Following negotiations a total of 5 parking spaces have been allocated to the clinic although this is insufficient so as to accord with Policy T19 of the UDP.

Notwithstanding the above, following a site visit it was noted that the existing car park does not appear to be at capacity with a number of parking spaces available. The applicant has advised that there is the opportunity to rent more parking spaces from the site management company to accommodate any growth in patient numbers. Furthermore it is also advised that parking restrictions exist on the surrounding highways in the form of double and single yellow lines so as to deter motorists from parking vehicles on street. A condition will be attached to the decision ensuring the provision of a minimum of 5 spaces for the proposed use.

Given the above considerations it is not anticipated that the proposal would result in any highway safety issues and as such complies with Policy T10 of the UDP and Policy PLP21 of the PDLP.

Other Matters

Representations

Two public representations were received in relation to this application. The representations are individually considered below:

1) The proposed GP clinic has only 4 parking spaces allocated which is insufficient and does not account for growth in patient number of the practice. This would lead to vehicle parking on Holly Bank Road and Hall Lee Fold

Response: Following negotiations with the applicant the number of spaces allocated to the GP clinic was increased to five. The applicant also advise that there is the option to rent more spaces from the site management company as patient numbers grow. Furthermore, it is also noted that the surrounding highways of Holly Bank Road and Hall Lee Fold benefit from parking restrictions in the form of single and double yellow lines. As such it is not anticipated that the development would result in an increase in incidences of on-street parking.

2) An expansion to the clinic would result in additional night and weekend hours of working which would have an adverse impact on the residential amenity enjoyed by the neighbours of Independence House.

Response: The submitted application states that hours of operation will be between 8am to 8pm Monday to Friday, 8am to 13:30pm on Saturday and closed on Sunday. These hours of operation are considered acceptable to planning officer and are not believed to be so excessive so as to impact the residential amenity currently enjoyed. The hours will be conditioned with the addition of opening until 5pm pm Saturdays for additional flexibility. Furthermore, it is advised that any change to the proposed hours of operation would require planning consent.

3) The disposal of Hazardous waste has not been specifically addressed in the application.

Response: As noted in the application waste storage and collection services have been outsources to the Orchard facility management company. As noted on the company website offer specialised services in relation to hazardous and clinical waste.

4) The proposed change of use would result in an increase in vehicular traffic to the site

Response: While it is reasonable to assume that the proposed change of use will result in an increase in vehicle traffic it is not anticipated that this would be materially greater than the amount of traffic currently accessing this site with a mixture of commercial uses.

Conditions

Conclusion

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.

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.

Recommendation - Approve

Decision Authorisation - Delegated Powers

Application Number: 2017/94237

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with policies D2, BE1, BE2, T10 and T19 of the Kirklees Unitary Development Plan and Policies PLP21, 22 and 24 of the Kirklees Publication Draft Local Plan.

2. A minimum of five car parking spaces shall be provided for the hereby approved D1 (non-residential institutions) use within the car park located within the site outlined in red on the hereby approved location plan. The five parking spaces shall be retained free of obstructions and be available for parking associated with the hereby approved use at all times.
Reason: In the interest of highway safety, to ensure adequate parking provision is provided for the approved development and in accordance with Kirklees Unitary Development Plan Policies T10 and T19 of the Kirklees Unitary Development Plan and Policies PLP21 and 22 of the Kirklees Publication Draft Local Plan.

3. The use/development hereby permitted shall not be open to customers outside the hours of 08:00 to 20:00 Monday to Friday, 08:00 to 17:00 on Saturday with no operations on a Sunday.
Response: In the interests of the protection of residential amenity and to accord with Policy D2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Policies in Chapter 11 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan - H.M. Land Registry	WYK506481	-	18TH December 2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Negotiations were held between the planning officer and applicant regarding the number of parking spaces. Subsequently, an additional parking space was provided.

Report Dated: 07/03/2018