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:	2018/62/90193/W
Site Address:	Ground Floor Rhs, 2, Stocks Walk, Almondbury, Huddersfield, HD5 8XB
Description:	Change of use of basement and part of ground floor to fitness, physio and rehab centre (D1 use) (Listed Building within a Conservation Area)
Recommending Officer:	Laura Yeadon

DECISION – conditional full 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 19-Apr-2018

Officer Report

Site Description

2 Stocks Walk is a Grade II Listed Building located within the Almondbury Conservation Area. The property is two storeys in height (and basement), constructed from stone with a stone slate roof. The property is located on the corner of Stocks Walk and Westgate where there are number of retail, commercial and residential properties. The unit is currently occupied by Health Shack who provide medical and fitness programmes for general fitness, rehabilitation and medical, ongoing physical conditions and mental wellbeing.

Description of Proposal

Permission is sought for the change of use from basement and part of the ground floor to fitness, physio and rehab centre (D1 use).

There are no proposed alterations to the building and this application relates solely to the change of use of the space. Internal alterations were approved under application number 2015/93125 which was for damp proofing of the basement, removal of a 20th Century staircase from the ground floor and the insertion of stud partitions and the removal of decayed timbers where necessary.

There would be an increase of 2 no. part time employees with a maximum of 7 customers at one time with the current opening times being 7.30am to 7pm.

History of negotiations/amendments received

Whilst no external alterations are proposed, following discussions with Highways Development Management, further information was requested with regards to the staff and customer numbers; how the business operates; and also a peak time parking survey to demonstrate that there is sufficient on street parking available. The Agent submitted the information however did not submit the parking survey as the building is an existing business and would only result in one additional member of staff. The information and justification for not submitting the survey was considered acceptable.

In addition, as part of the application process it became apparent that the existing use of the ground floor had not obtained permission to be used as a D1 one use and therefore, with the agreement of the Agent, the description was changed to incorporate the existing use and the application was re-advertised by site notice and neighbour notification letters.

Relevant Planning History

2006/92948 Conversion of 1st floor to 2 no. apartments (Listed Building within a Conservation Area)
Conditional Full Permission

2006/92949 Listed Building Consent for conversion of first floor to 2 apartments and alterations to ground floor and basement (within a Conservation Area)
Consent Granted

2007/93262 Listed Building Consent for external and internal alterations (within a Conservation Area)
Conditional Full Approval Subject to Delegation of Authority to Officers

2014/91589 Listed Building Consent to convert first floor to 2 flats (within a Conservation Area)
Consent Granted

2015/92258 Listed Building Consent for replacement ground floor windows and security shutters (within a Conservation Area)
Consent Granted

2015/93125 Listed Building Consent for alterations to ground floor basement (within a Conservation Area)
Consent Granted

Representations

Final publicity date expired 16th April 2018 – one letter of representation with the following comments:

- No objection to application itself aiding a return to health is always a good thing
- Parking problems exist and the two lanes of Stocks Walk are reduced to one and pavements are unable to used
- Issues with parking on pavements, parking on white lines, parking in front of dropped kerbs and parking on double yellow lines
- Adding more traffic to Westgate would be to the detriment of all concerned

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Conservation and Design - no objection

K.C. Highways Development Management – following the submission of further information, no objection

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 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 a Grade II Listed Building within the Almondbury Conservation Area on the UDP Proposals Map and is proposed to be retained as such on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Preservation/enhancement of Conservation Areas
- **EP4** – Noise generating development
- **T10** – Highway Safety
- **T19** – Parking Standards
- **S1** – Town Centre Uses

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP13** – Town Centre Uses
- **PLP21** – Highway safety and access
- **PLP22** – Parking Standards

- **PLP 24** – Design
- **PLP35 –** Historic environment
- **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.

- Chapter 2 – Ensuring the vitality of town centres
- Chapter 7 – Requiring good design
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development:

The site is a Grade II Listed Building within the Almondbury Conservation Area. Sections 66 and 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area and listed buildings. This is mirrored in Policy BE5 of the Unitary Development Plan together with guidance in Chapter 12 of the National Planning Policy Framework and emerging Policy PLP35 of the NPPF.

Furthermore, the site is designated as being within the Conservation Area on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy PLP35 relates specifically to the historic environment whilst PLP52 gives regard to the quality of the environment.

The proposal represents a main town centre use. Whilst the site is not located within the defined Almondbury centre it is located on the edge of the main centre and the proposal forms an extension to an existing established business and the formalisation of the existing use. The principle of the change of use in this location is therefore considered to be acceptable.

2 –Impact on visual amenity, the Listed Building and Conservation Area:

The proposal relates to the basement of the property with no external alterations proposed. It also ensures that the correct usage is translated to part of the ground floor of the building currently occupied by the Health Shack. The submitted details indicate that the change of use would be in conjunction with application 2015/93125 which was for Listed Building Consent, for alterations to the basement. The proposed alterations were internal alterations only and would not impact on visual amenity or the wider Conservation Area. No external alterations are proposed as part of this application. As such, the proposal would accord with Policies BE1, BE2 and BE5 of the Unitary Development Plan, Policies PLP24 and 35 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

The impact of the development as a result of noise disturbance is a relevant material consideration in the assessment of this application. Policy EP4 of the UDP states that proposals for noise sensitive development in proximity of the existing sources of noise, or for noise generating uses of land close to existing noise sensitive development will be assessed considering the effects of projected noise levels on the occupiers of the existing or proposed noise sensitive development. This is also reflected by Policy PLP52 of the draft Local plan and advice in Chapter 11 of the NPPF. The closest residential property to the development adjoin the site at 20 Westgate and 4 Stocks Walk and within a row of terrace properties to the northwest at nos. 22-26 Westgate.

The proposed use of the basement would be for ancillary use in conjunction with the use of the building as the Health Shack. The submitted plans for the 2015 application demonstrates that the use of the basement would be for office space and storage, however the exact accommodation of the basement is not confirmed as part of this application. However it is noted in the response from the Agent regarding highway concerns that the applicant is hoping to add some infrared saunas and treatment rooms to do physio, massage etc. Given the existing ground floor use as fitness, physio and rehab centre with residential above, it is not considered that the use of the basement would be so intense that there would be a significant impact on the neighbouring properties in terms of noise, especially as the works would be on a floor below the existing usage. This has also been confirmed verbally by the Environmental Services Officer.

It is therefore considered that the proposal is acceptable in terms of residential amenity and would accord with Policies BE1, BE2 and EP4 of the

UDP, Policies PLP24 and PLP52 of the Publication Draft Local Plan and Chapters 7 of the NPPF.

4 – Impact on highway safety:

With regard to highway safety and in response to concerns raised during the public consultation period, informal discussions took place with the Highways Development Management team. It was considered that to fully assess how the development would impact on the on-street parking provision and highway network that further information was required from the Agent. The information requested was in the form of proposed numbers of staff; proposed numbers of customers and staff that will attend at any one time; how the business will operate; and peak parking survey to demonstrate that there is sufficient on-street parking when they are at their busiest times. The Agent has responded in writing by stating that there is currently 3 part-time and 2 full-time members of staff and as a result of the development this would increase by a further 2 part time staff. At any one time there is usually only 3 members of staff present at the premises and up to 7 customers. The response cites that the Health Shack uses a 30 minute circuit of power assisted machines and each circuit can take up to 7 clients with the busiest times being between 9am and 1pm with the full opening hours being from 7.30am to 7pm.

The Agent also stated that they didn't think carrying out a peak time parking survey would actually prove anything as the expanse of the building would only result in only one additional member of staff and between 1-3 customers at any one time. In addition, the applicants report that only 2 members of staff drive presently and the others live locally and walk. The majority of customers are from Almondbury and also walk. A few of the customers do use cars with others dropped off.

Following the submission of further information, Highways Development Management have cited that given the proposed change of use is ancillary to an existing business with only one additional full time equivalent member of staff and only between 1 and 3 additional customers are anticipated, it is not considered that the proposal will be a significant traffic generator and therefore offer no objection to the scheme.

As such, the proposed development is acceptable in terms of highway safety, in accordance with Policy T10 of the UDP, Policy PLP21 of the Publication Draft Local Plan and advice within the NPPF.

5 – Other matters:

The property is a Listed Building and the Conservation and Design Officer has requested that a note is added to the decision notice stating that the development should be read in conjunction with the Listed Building Consent approved under application 2015/93125, however if other works are proposed that differ from the approval, a further application for Listed Building Consent would be required.

6 – Representations:

One letter of representation has been received with the following comments and Local Planning Authority response:

- No objection to application itself aiding a return to health is always a good thing

Response: Noted

- Parking problems exist and the two lanes of Stocks Walk are reduced to one and pavements are unable to used
- Issues with parking on pavements, parking on white lines, parking in front of dropped kerbs and parking on double yellow lines
- Adding more traffic to Westgate would be to the detriment of all concerned

Response: The above concerns are related to highway safety and Highways Development Management have assessed the scheme, requested further information and concluded that the scheme is acceptable from a highways perspective.

7 – 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: 2018/90193

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 BE1, BE2, BE5 and EP4 of the Kirklees Unitary Development Plan, Policies PLP24, PLP35 and PLP52 of the Publication Draft Local Plan and Chapters 7 and 12 of the National Planning Policy Framework.

NOTE The development should be read in conjunction with the Listed Building Consent approved under application 2015/93125, however if other works are proposed that differ from the approval, a further application for Listed Building Consent would be required.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			17th January 2018
Design and Access Statement			17th January 2018
Planning and Heritage Statement			17th January 2018

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. Further information was requested with regards to the staff and customer numbers, how the business operates and also a peak time parking survey to demonstrate that there is sufficient on street parking available. The Agent submitted the information however did not submit the parking survey as the building is an existing business and would only result in one additional member of staff and 1-3 additional customers. The information and justification for not submitting the survey was considered acceptable.

Report Dated: 18th April 2018