

**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: 2018/62/93457/W

Site Address: 75, Huddersfield Road, Meltham, Holmfirth, HD9 4AF

Description: Change of use from bank (A2) to physiotherapy clinic (D1) (within a Conservation Area)

Recommending Officer: Callum Harrison

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: 12-Dec-2018

Officer Report

Site Description

75 Huddersfield Road is a two storey terraced building faced in natural stone with a slate tiled roof. The last use of the building was as a building society (A2). The building is situated approximately 20m outside of the Meltham District Centre as allocated within the Publication Draft Local Plan shopping centre designations. No.75 benefits from having a private car park accessible via the side east side of no.77. The car park covers an area of approx. 270m².

The property is located across from the junction of Huddersfield Road with Carlile Street. On the corners of the junction are a Post Office, Library and Meltham Town Hall. In regards to the attached neighbours to no.75, no.73 is a residential dwelling whilst no.77 is a beauty parlour.

Description of Proposal

The application is seeking permission for the change of use from a building society (A2) to a Physiotherapist (D1) within a conservation area.

There would be no external alterations. The application seeks hours of operation of 8am to 7pm Monday to Friday and 9am to 1pm on Saturdays.

History of Negotiations

None.

Relevant Planning History

2014/91473 - Installation of 2 externally illuminated signs (within a Conservation Area) was granted.

2001/90967 – Erection of externally illuminated fascia and projecting signs (within a conservation area) was refused.

2000/93729 - Erection of externally illuminated fascia and projecting signs (within a conservation area) was refused

Representations

The application was advertised by site notices and neighbour letters, which expired on 04/12/2018

As a result of the above publicity, two representations of support have been received raising the following comments:

- Much welcome addition to business in Meltham.
- Unique Business
- Building been empty for a while, bringing it back in to us will ensure the vibrancy of the village core.
- Improve local economy
- Bring in visitors

Consultation Responses

Meltham Town Council – Support the application
K.C Highways (Informal) – No objections
K.C Conservation and Design (Informal) – No objections

Policy

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.

The site is UNALLOCATED on the UDP Proposals Map and within the PDLP. However the property is designated within the Meltham Conservation Area.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE5** – Development with a Conservation Area
- **T10** – Highway Safety
- **T19** – Parking
- **EP6** – Development and Noise
- **S1** – Town Centre uses

Kirklees Publication Draft Local Plan Policies:

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP13** – Town centre uses
- **PLP21** – Highway safety & access
- **PLP 22** – Parking
- **PLP 24** - Design
- **PLP 35** - 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 July 2018, 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. The following chapters have been considered in regards to this application:

- **Chapter 2** – Achieving sustainable development
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 12** – Achieving well-designed places
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway amenity
- 5) Other matters
- 6) Representations
- 7) Conclusion

1) The principle of development

The site is unallocated on the Kirklees Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

The building is however sited within the Meltham Conservation Area which is characterised by a mix of commercial and residential properties. As such, consideration is to be given to the current proposals in terms of the relationship formed between the proposed use and the conservation area with regards to policy BE5 and Chapter 16 of the National Planning Policy Framework.

Whilst the proposal seeks consent for permission outside of the Meltham District Centre, it is a mere 20m outside with an off street car park, a good public transport service and a wide range of commercial buildings and services nearby, therefore it can be deemed this is an appropriate location for the use.

As the proposal would not seek any external alterations and its location is deemed appropriate, it can be stated that the proposal is not considered to be materially harmful to the vitality and vibrancy of the Meltham District Centre and the wider Conservation Area and would in turn accord with Policies BE1,

BE2 and BE5 of the Kirklees Unitary Development Plan, Policy PLP35 of the PDLP and policies in Chapters 12 and 16 of the NPPF.

2) Impact on visual amenity

Given that the change of use hereby approved would not result in any external alterations there would be no impact in terms of visual amenity as a result of the scheme. For the same reasons, the proposal is not considered to have a harmful impact upon the character and appearance of the Meltham Conservation Area. It can in turn be stated that the proposal would accord with Policies BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, Policies PLP2, PLP24 and PLP35 of the PDLP and policies in Chapters 12 and 16 of the NPPF.

3) Impact on residential amenity

Despite being very close to the designated district centre, the property is adjoined to a residential neighbour to the East at no.73. Due to this factor it is important to consider the National Planning Policy Framework which seeks high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. Policy D2 requires general amenity considerations and Policy EP6 considers development and noise this is also mirrored in policy PLP24 and PLP52 of the draft local plan.

As the change of use would not result in any exterior changes, and would run within reasonable trading hours for its use, as well as de-intensifying the number of customers to the site from its previous use, it can be stated there would not be a detrimental impact on the residential neighbours around the site. Given that the site is adjacent to residential properties and in order to protect their amenity it is considered appropriate and necessary to condition the hours of operation which the applicant has applied for.

Subsequently it can be stated that the proposal complies with policies D2, BE2 and EP6 of the UDP as well as PLP24 & PLP52 of the PDLP.

4) Impact on highway amenity

The unit is an established commercial property which has its own private car park. The car park is approximately 270m² suitable for the parking of approx. 8 motor vehicles. Using the property as a physiotherapists would de-intensify trips and ensure appointments are typically longer than those that took place at the Building Society. It is stated within the application that a maximum of 4 customers can be expected per hour at the site. Due to the de-intensification of trips it can be stated the proposal does not have a significant impact on the highway safety and amenity of the site. Due to the reasons above it can be stated the proposal adheres to policies D2, T10 and T19 of the UDP and Policy PLP22 of the PDLP.

5) Other matters

Vitality

The proposal would bring in a service not currently available in the town as well as bringing in a currently unused building in to action. Therefore the proposals effects on the vitality of the village, as discussed with chapter 7 of

the NPPF would be wholly positive. It can be stated the proposal also satisfies Chapter 7 of the NPPF for this same reason.

6) Representations

Two representations of support have been received raising the following comments:

- Much welcome addition to business in Meltham.
- Unique Business
- Building been empty for a while, bringing it back in to us will ensure the vibrancy of the village core.
- Improve local economy
- Bring in visitors

Response to all comments: This has been noted and considered throughout the report.

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.

Decision Authorisation - Delegated Powers

Application Number: 2018/93457

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 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, and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

3. The use hereby permitted use shall not be open to customers outside the hours of 8:00 to 19:00 Monday to Friday, 9:00 to 13:00 on Saturdays with no opening on Sundays or Bank Holidays.

Reason: In the interests of the protection of the amenity of the occupiers of neighbouring properties and to accord with the requirements of Policies D2, BE1, BE2 and EP6 of the Kirklees Unitary Development Plan, Policies PLP2, PLP24 and PLP52 of the Publication Draft Local Plan and policies in Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: The granting of planning permission for the change of use does not permit any external works to the property, including the changing of signs. Further development should be fulfilled through permitted development and deemed consent for advertisements as set out in the General Permitted Development Order (2015), or through the correct formal planning application to the local planning authority.

Plans and specifications schedule:-

Plans	Reference	Version	Date Received
Location Plan	75-Huddersfield-Road-Meltham-Holmfirth-Kirklees-HD9-4AF(1).pdf	1	17/10/18
Proposed Site/ Block Layout	75-Huddersfield-Road-Meltham-Holmfirth-Kirklees-HD9-4AF.pdf	1	17/10/18
Data within the Application Form		1	17/10/18

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. The original plans submitted were deemed acceptable.

Report Dated:

06/12/18