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:	2018/62/94209/W
Site Address:	Lloyds Bank, 50, Market Street, Milnsbridge, Huddersfield, HD3 4HT
Description:	Change of use of bank to form 2 retail units and formation of new entrance (within a Conservation Area)
Recommending Officer:	William Simcock

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: 05-Mar-2019

Officer Report

Site Description

The site comprises the former Lloyds Bank on the north-east corner of the junction of Market Street (to the west) and George Street (to the south). It is a single-storey building with an ashlar stone frontage and an ornamental stone balustrade surrounding the roof. The main customer entrance is on the angled corner elevation. The windows comprise high glazed arches. It is tied in to the two adjacent buildings, which are two-storey. It is currently vacant. Surrounding units comprise a range of retail and other commercial uses, giving way to residential on George Street.

Description of Proposal

The proposal is for the change of use of the bank to form two retail units (units "2" and "3") and external alterations to form a new entrance to Market Street. The existing arched window unit closest to no. 52 (at the northern end of the Market Street frontage) is to be replaced with new glazing in a powder-coated aluminium frame.

The plans show a residential element in the scheme, a kitchen / dining room at ground floor accessed from Unit 2 and with bedrooms above extending over the next commercial property on George Street. This is existing and no change to the arrangement is proposed.

History of negotiations/amendments received

18-Feb, 22-Feb-2019: Amended plans changing design of new opening.

These were not subject to new publicity since the original publicity had generated no objections from members of the public and it was considered the new plans did not raise substantial new planning issues. The comments received regarding the internal fittings is set out below

Relevant Planning History

None.

Representations

Final publicity date Expires: 13-Feb-2019

Cllr H Richards – Does not object but is concerned that it might lead to more people parking on the pedestrian crossing.

One comment received with the following points raised:

- Support the building being brought back into use
- Hope the integrity of the building is retained and have concerns it will lose internal fittings. Could a record be retained?

Consultation Responses

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

- Highways Development Management – No objection
- Conservation & Design – No objection subject to condition about design.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within the Milnsbridge Conservation Area and Local Centre on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

The agent has confirmed that the proposed new unit would have level access thereby complying with the aims of the Equality Act.

Kirklees Local Plan:

- **PLP13** – Town centre uses.
- **PLP21** – Highway safety
- **PLP22** – Parking
- **PLP24** – Design
- **PLP35** – Historic Environment

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- 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
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 in the Milnsbridge Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. The assessment will have regard to Chapters 7, 12 and 16 of the NPPF in assessing whether the development would support the retail function of this Local Centre and would conserve or enhance the character of the Conservation Area.

Similar considerations are also spelled out in PLP13, 24 and 35 of the LP and policies PLP21-22 (impact on highway safety and parking) will also be taken into account.

1A – Impact on local economy: The proposal, by creating an additional retail unit and helping to ensure that the building remains in commercial use with an active frontage, would help to improve the retail environment and the vitality and viability of this local centre. It would thereby support the aims of Policy PLP13 and NPPF Chapter 7.

2 –Impact on visual amenity: The building has a distinctive appearance and contributes positively to the character and appearance of the Conservation Area. The glazing and frame members of the existing large openings are not particularly traditional in appearance and it is considered that some flexibility and innovation can be permitted in the way that these openings are subdivided, as long as the treatment of the opening harmonises with that of the other two on Market Street.

The proposal would form a central doorway partly replacing the old ATM housing. This would not fit within the existing transoms and would very likely require the replacement of the whole of the joinery in this opening, for structural reasons. The proposed replacement with powder-coated aluminium might on balance be preferable since the opening with the door would have a modern appearance anyway – this option was in fact suggested in discussions with the Conservation & Design team.

It is considered that the proposed alterations would preserve visual amenity in the area and would conserve, and potentially enhance, the character and

appearance of the Milnsbridge Conservation Area, and accord with the aims of PLP24 and 35, and NPPF Chapter 12 and 16, subject to the condition on design details which the agent has confirmed can be reserved as a pre-condition.

3 – Impact on residential amenity: The location is strongly commercial in character, and the new opening would be to Market Street. The proposed uses are not of a nature that would be likely to generate a high level of noise, and although the hours of use might be different the change of use from financial and professional services (Class A2) to retail (A1) can be undertaken without planning permission, and so the impact on the existing residential space is not a cause for concern. In conclusion it would have no implications for residential amenity.

4 – Impact on highway safety: There is no private parking associated with the site and there is a shortage of public parking, or safe roadside parking (such as lay-bys) within this Local Centre. There are waiting restrictions (double yellow lines) on this part of Market Street. The site is also well served by public transport.

The proposed development is on the whole unlikely to result in a significant increase in traffic to and from the site, or in short-stay parking demand, compared to the old use comprising a bank with an ATM on the Market Street elevation. Whilst there is a possibility that future customers may be tempted to park illegally or unsafely on Market Street or adjacent parts of George Street, it would be difficult to substantiate a refusal on this basis. It is considered it would accord with the aims of policies PLP21-22.

5 – Other matters:

Biodiversity:
The site is in the bat alert layer but it is very unlikely to have bat roost potential. The standard precautionary note will be added to the decision notice.

Accessibility:
The drawings produced indicate a very minor change in levels (a few millimetres) at the entrance. The agent has confirmed that level access can be provided; there is a level difference between the pavement and the interior of the unit, the latter being higher, but this can be compensated for internally. As this is a change of use rather than new build it may not be covered by Part M of the Building Regulations, and so it is recommended, in the interests of complying with the aims of PLP13 that proposals be inclusive for all users, and PLP24(f) as well as the Council's duty under the Equality Act, that details of this should be conditioned.

Flood risk:

The site is in Flood Zone 2 but as it would not involve a change from a less to a more vulnerable use, this is not a significant planning concern in the circumstances.

6 – Representations: The concerns in the representation made, from Ward Councillor Hillary Richards, are highlighted here with officer responses:

I am concerned about people parking on the pedestrian crossing to shop in these units.
Response: As acknowledged in part (4) above, injudicious parking may occur and the threat of a fine may not always be an effective deterrent, especially in small Local Centres where there is little or no active enforcement. This is a hazard that could have occurred under the old use (especially with customers stopping to use the ATM) and it would therefore be difficult to demonstrate that the proposal would result in a materially worse situation.

- Hope the integrity of the building is retained and have concerns it will lose internal fittings. Could a record be retained?
  Any works to the internal of the building would not be classed as development and as such would not be subject to planning control.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2018/94209

Officer Recommendation: CONDITIONAL FULL PERMISSION

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 PLP24(a) and PLP35 of the Kirklees Local Plan.

3. Notwithstanding the details shown on the approved plans, the works to form the new external doorway to the Market Street elevation shall not commence until detailed drawings of a scale not less than 1:20 on elevation and 1:5 in section of the proposed aluminium windows and door, and details of the proposed finish colour, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and thereafter retained.
Reason: To ensure the new windows and door complement the existing windows and thereby contribute to the preservation and enhancement of the Milnsbridge Conservation Area, and to accord with the aims of Policy PLP24(a) and PLP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Notwithstanding the details shown on the approved plans, the works to form the new external doorway to the Market Street elevation shall not commence until detailed drawings showing how level access to the new shop (unit 3) is to be achieved in such a way as to make the shop accessible to wheelchair users and other people with mobility impairment, or evidence that this is not reasonably practicable. The access shall be formed in accordance with the approved details before Unit 3 is brought into use and thereafter retained as such.
Reason: To ensure that the proposal contributes to the creation of an accessible and inclusive environment in accordance with the aims of Policies PLP13 and PLP24(f) of the Kirklees Local Plan.

NOTE: There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone

intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			24-Dec-2018
Location plan			24-Dec-2018
Plans, elevations and section as existing	2566 - 01		24-Dec-2018
Plans, elevations and section as proposed	2566 - 02	B	22-Feb-2019
Heritage impact assessment	2566		24-Dec-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. The case officer undertook negotiations with the applicant to secure amended plans so as to ensure that the development would conserve and enhance the character and appearance of the Milnsbridge Conservation Area. The case officer agreed the imposition of pre-commencement conditions with the Agent.

Report Dated: 04-Mar-2019