

**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: 2019/62/90574/W

Site Address: Bankfield Bakery, 5, Bankfield Lane, Kirkheaton,
Huddersfield, HD5 0JE

Description: Change of use from former bakery to podiatry clinic
(D1)

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: 16-Apr-2019

Officer Report

Site Description

5 Bankfield Lane is a mid-terraced two storey property which is constructed from stone with a tiled roof. The site sits on the roadside and has a small yard to the rear. The terraced row is close to the junction of Shop Lane, Bankfield Lane, Town Road and New Road with this section of Bank Field Lane being an adopted road. On street parking is available outside the property.

Description of Proposal

Permission is sought for the change of use of the building from a bakery to podiatry clinic (D1).

The application confirms that there would be no other employees and that at the time of submission, the proposed opening hours were unknown.

There are no proposed alterations to the external appearance of the building.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

No history

Representations

Final publicity date expired 29th March 2019 – no representations received.

Kirkburton Parish Council – no comment

Consultation Responses

Health and Safety Executive – does not advise, on safety grounds, against the granting of Planning Permission in this case

K.C. Planning Policy – no objection

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 Unallocated Land on the Kirklees Local Plan.

Kirklees Local Plan (as modified)

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 13** – Town centre uses
- **PLP 21** – Highway safety and access
- **PLP 22** – Parking
- **PLP 24** – Design

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.

- **Chapter 2** – Achieving sustainable development
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 7** – Ensuring the vitality of the town centre
- **Chapter 12** – Achieving well-designed places

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is without notation on the Kirklees Local Plan however is within the designated Local Centre of Kirkheaton. 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.

The proposal seeks to change the use of the unit to D1 (non-residential institution). The submitted information indicates that the intention is to operate the building as a podiatry clinic.

The Class D1 uses, such as that proposed, groups together buildings visited by the public for a wide range of purposes on a non-residential basis. Although not a main town centre use its location within a designated Local Centre, which do not have primary or secondary shopping frontages, can be supported. Furthermore it will bring an empty unit back into economic use which would help support the local centre and the service it offers. This accords with Policy PLP13 of the Kirklees Local Plan.

The proposal is acceptable in terms of its principle.

2 – Impact on visual amenity:

There are no proposed external alterations to the building and therefore, no impact on the host building, terraced row of the wider street scene. Should permission be required for signage, this would be the subject of a separate application for Advertisement Consent.

3 – Impact on residential amenity:

The site is a mid-terraced property and therefore any use of the building could give rise to noise disturbance from activities taking place within the building. No details have been submitted in relation to proposed opening hours however the building is limited in size and there would be only 1 no. employee and a podiatry clinic is not anticipated to be a noisy use. Whilst there is no residential premise within the application site, the adjacent property has residential at first floor level. As such, whilst proposed opening hours have not been submitted, it is considered reasonable and necessary to restrict the use of the building to a podiatry clinic and ancillary uses in order to protect the neighbouring property from other noise generating uses falling within Use Class D1. Such uses include nurseries and schools. This would accord with Policy PLP24 and PLP52 of the Local Plan.

4 – Impact on highway safety:

The site is located on Bankfield Lane in the centre of Kirkheaton. Parking restrictions around the site include a marked out bay for the adjoining property and a no stopping between 8am and 6pm on the other side of Bankfield Lane. There are a number of on street areas for parking within the proximity of the building and it is not anticipated that the clinic would generate significant vehicle movements due to only having one employee.

5 – Other matters:

There are no other matters for consideration.

6 – Representations:

No letters of representation have been received.

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: 2019/90574

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 PLP13 (as amended), PLP21 (as modified), PLP22 (as modified) and PLP24 (as modified) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The principal use of the premise subject of this application shall be restricted to a podiatry clinic and those uses considered ancillary to the use of a podiatry clinic and shall not be used for any purpose falling within Use Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: So as not to detract from the amenities of adjoining residential property from undue noise and disturbance and to accord with Policies PLP24 and PLP52 (as modified) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			22 nd February 2019
Site plan			22 nd February 2019

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. No amendments were sought as it was considered that the application was acceptable in its submitted format.

Report Dated: 15th April 2019