

**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: 2019/62/93205/W

Site Address: 7, St Helen's Gate, Almondbury, Huddersfield, HD4 6SD

Description: Change of use from chiropractice to Sui Generis (micro-blading/permanent eyebrow make up) (Listed Building within a Conservation Area)

Recommending Officer: Danielle Cooper

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: 04-Dec-2019

Officer Report

Site Description

7, St Helens Gate, Almondbury, Huddersfield is a Grade II listed building amongst a terrace of properties which are all of the same historic interest and is located within the Almondbury Conservation Area. The property was built in C18 or early C19 and was constructed from hammer dressed stone with a stone slate pitched roof. The site is situated just out-side of the Almondbury district centre and is located amongst commercial and residential properties which are of a mix in regards to their character, style and design.

Description of Proposal

Permission is sought for a change of use from chiropractice to Sui generis (micro-blading/permanent eyebrow makeup) no alterations are proposed by the development.

History of negotiations/amendments received

None

Relevant Planning History

2008/93454 Change of use of property to Chiropractic Clinic (D1) (Listed Building Within A Conservation Area) – Granted

Representations

The application was publicised by site notice and neighbour notification letter

Final publicity date Expires: 25/11/19

No representations were received

Consultation Responses

Conservation and Design (Informal chat) – 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 Achieving sustainable development**
- **LP2 Place Shaping**
- **LP13 Town centre uses**
- **LP21 Highway safety and access**
- **LP22 Parking**
- **LP24 Design**
- **LP35 Historic Environment**
- **LP52 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 19th 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 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 safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

Principle of Development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 NPPF.

Policy LP1 goes on further to stating that “the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Chapter 2 of the NPPF 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 NPPF. Chapter 2 of the NPPF goes on further to state that:

“to support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment”. As well as “making effective use of land”.

The proposal forms a main town centre use and the host building is Grade II and is within the Almondbury Conservation Area. The impact of the development on the town centre the designated heritage assets, residential amenity, highway safety and all material planning considerations will be assessed.

Town Centre Impact

Policy LP13 in relation to town centres, sets out the requirements for main town centre uses to be located within defined centres and when such uses come forward outside defined centres that the sequential approach should be followed.

In this instance the proposed make up clinic use is considered to form a sui generis use, but would be defined as a main town centre use in terms of Policy LP13. The site is located 110 metres outside of the Almondbury District Centre and is therefore defined as being an edge of centre location. The site whilst not located within the defined centre is located within a row of other main town centre uses with a beauty clinic at no.s 3-5 St Helen's Gate, an office at no.9 St Helen's Gate and a retail shop at no.1 Westage. The existing use as a chiropractic clinic may not directly form a main centre use given its D1 use classification, however in many ways it would operate similarly to the proposed make up clinic with clients most likely attending on an appointment basis.

The above circumstances combined with the small scale of the site at 45 square metres, the sites edge of centre location in a row of similar uses, and absence of other available properties of a similar scale within the Almondbury District Centre after a review of available online records, is considered to represent sufficient information for the development in this instance to pass the sequential test and accord with the requirements of Policy LP13.

Design and Heritage

The site is located within the Almondbury Conservation area and forms a listed building and other listed buildings are located either side. Therefore sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which requires LPAs to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area and the special/historic interest of the listed building and the setting of other listed buildings. Paragraph 193 of Chapter 16 of the NPPF also needs to be considered which states ‘when considering the potential impact that the proposal shall have on the area, great weight should be given to the assets conservation.’

Local plan policy LP35 echoes the intentions of the NPPF, LP35 states that

“...development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”.

The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.

As the proposal would not alter the exterior appearance of the listed building and would be of a similar use to the existing. It has been considered that the proposal is of an acceptable design that would preserve and enhance the significance of the listed building itself, the neighbouring listed buildings along St Helens Gate nor harm the conservation area. Therefore the proposal would accord with LP24 & LP35 of the Kirklees Local Plan and Chapter 12 of the NPPF

Impact on residential amenity:

The application site is surrounded by a mixed-use of properties which vary from residential to commercial, the following residential properties have been considered to have some impact from the proposed change of use; No.s 3-5 St Helens Gate, 181/181a Northgate and the commercial property, No. 9 St Helens Gate. Given that there are no external alterations proposed to the host property, there are no concerns in regards to overlooking, overshadowing or overbearing. However given the nature of the proposal the impact from noise pollution within the immediate area has been considered.

Given that the proposed change of use is similar to the existing use of the building, it has been considered that the proposal would not cause any further harm than the existing impact to the environmental quality in relation to noise pollution. As such the new use of the building would not have to take any sustainable mitigation measures to reduce noise pollution given the similar use of the building and therefore will not adversely affect neighbouring properties. As such the proposal is of an acceptable level to protect the quality of life and wellbeing of people as well as to protect the environment, complying with policy LP52.

For the reason's set out above, it is considered that the proposal is acceptable in respect on residential amenity and against LP24 & LP52.

Impact on highway safety:

In regards to the proposed change of use intensifying the impact on highway safety, it has been considered that as the proposed change is of a similar

scale to the existing use with the new business being on a client appointment basis. It has been assessed that the change of use to a Sui Generis make up clinic would not intensify the impact on highway safety any more than the existing use as a chiropractic clinic. As such the proposal would comply with LP21 and LP22 of the Kirklees Local Plan.

Other Matters:

There are no other matters for consideration.

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: 2019/93205

Officer Recommendation: 2019/93205

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, as amended by the Planning and Compulsory Purchase Order 2004.

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 protect the historic importance of the host listed building and Almondbury Conservation Area and to accord Policies LP24 and LP35 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	1	03/10/19

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 have been sought as it was considered that the application was acceptable in its submitted format.

Report Dated: 03/12/19

