

**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: 2020/62/93501/W

Site Address: Scotgate House, 2 , Scotgate Road, Honley,
Holmfirth, HD9 6JQ

Description: Part change of use of ground floor office to Class E
day centre and alterations to parking area (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: 17-Dec-2020

Officer Report - 2020/93501

Site Description

Scotgate House is a two-storey commercial property located just west of the junction of Scotgate Road (which bounds it to the south) and Thirstin Road, which lies to the north. The surrounding area is residential in character consisting principally of traditional terraced houses. The building itself occupies the eastern half of the site, with the remainder of the site being a car park. Originally in industrial use, the building appears vacant.

Description of Proposal

The proposal is for the partial change of use of the ground floor to a day centre for people with a learning disability, and alterations to the parking area. It is proposed that up to 8 clients (ie people who live in local residential care homes) and 4 support staff will be on the premises at any given time and that hours of operation will be from 9am to 5pm weekdays with occasional weekend use. The premises may be made available to other users (those who are not in residential care) also.

The on-site parking area is to be reconfigured with 3 no. parking bays of 3m wide, which would allow parked vehicles to enter and exit the site in a forward gear, and one area designated as being for the parking of a minibus. 1.2m high steel railings and a gate are to be installed alongside the first and second parking spaces adjacent to the entrance.

History of negotiations/amendments received

11-Dec-2020: Applicant provided detail of flood evacuation arrangements

These were not subjected to new publicity as they were not considered to raise substantial new planning issues.

Relevant Planning History

None.

Representations

Final publicity date Expires: 27-Nov-2020 (publicity by neighbour letter, site notice and press advertisement on the grounds of the site being in a Conservation Area).

Holme Valley Parish Council – Support

No representations received from other third parties.

Consultation Responses

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

KC Highways Development Management – No objections

KC Lead Local Flood Authority – 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 within Honley Conservation Area on the Kirklees Local Plan.

It is considered that in principle the development would support the aims of the Equality Act.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood risk
- **LP 35** – Historic Environment
- **LP 48** – Community facilities and services

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.

- Chapter 8 – Promoting healthy and safe communities

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development: Policy LP48 of the Local Plan states that:

- Community facilities should be provided in accessible locations, normally, town, district or local centres;
- Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community [or other] facilities that meet the needs of all members of the community

The development would by its nature support the aims of the second paragraph of this LP policy by providing enhanced facilities for people with particular needs. Regarding the aims of the first paragraph, the site is not within the recognised boundary of Honley local centre as defined on the LP proposals map. It is considered to be of good accessibility, being 265m from the local centre boundary and 225m from the nearest bus stop (Moor Bottom, just off the roundabout) which has a frequent service to and from Huddersfield Town Centre. As the use proposed is not deemed to be a “main town centre use” within the NPPF definition, a sequential test is not required and the location is considered to be central and sustainable enough to comply with the aims of LP48.

It will further be assessed having regard to the aims of the other policies, regarding highway safety, parking, amenity and heritage issues.

2 –Impact on visual amenity: No external physical alterations to the building are required. The only external works are the installation of gates and railings. These are not on the highway boundary but would be clearly visible from it, and to ensure that the works conserve the character of the Conservation Area it is recommended that they are given a permanent black finish before being installed. It is considered that subject to this it would comply with the aims of LP24(a) and LP35, and those of NPPF Chapter 16.

3 – Impact on residential amenity: It is considered that the proposed use would not be likely to generate very high levels of noise, but could generate more noise than the existing office use, and some noise would be generated by vehicles arriving and departing. It is recommended, in view of the residential setting, that the hours of use be limited to those shown on the

application form (0900 to 1700 Mon-Fri) but with the addition that these hours are repeated at the weekend to cover the 'occasional' weekend usage referred to in the supporting statement so as to accord with the aims of LP24(b).

4 – Impact on highway safety: The proposed changes to external layout would result in a net loss of parking spaces. It is however considered that the reconfigured parking layout would provide a satisfactory number of parking spaces for the proposed use as there would be, it is predicted, a reduction in staff numbers and most users would arrive by minibus. It would provide adequate manoeuvring space to allow cars to enter and leave in a forward gear. It is anticipated that overall trip generation would be no higher than under the existing use and that the local highway network would be adequate to cope with the traffic generated.

Any waste collection would be expected to be carried out as with the existing use and there appears to be suitable space for a bin collection presentation point without compromising the proposed parking layout.

The plan also shows new railings and gates being formed leading up to the building entrance to provide a segregated pedestrian route, which will help to safeguard vulnerable adults using the site.

In conclusion the proposed use will be able to operate without endangering highway or pedestrian safety subject to the parking areas being marked out and thereafter retained, and subject to the railings and gates being provided and retained. It would therefore accord with the aims of LP21-22 and LP24(f).

5 – Other matters:

Drainage and flooding

Part of the site is in Flood Zone 3A according to the Council's Strategic Flood Risk Assessment. A Flood Risk Assessment (FRA) was not supplied and has not been requested. The proposal involves no new build and it is considered it does not involve a change of use in the vulnerability classification. "Less vulnerable" uses include offices, non-residential institutions (other than health services, nurseries and educational establishments), and assembly & leisure. It would seem reasonable to class the proposed use as assembly and leisure. The site is only just within Flood Zone 3A (a 20m wide strip with extensive Zone 1 on either side). As it is a change of use of an existing unit within the same vulnerability classification, it is considered that requesting a sequential test would not be a reasonable or proportionate approach, notwithstanding the wording of Policy LP27(b).

The proposed use will however mean that vulnerable people will be on site. The applicant has submitted a flood evacuation plan which it is considered provides a reasonable degree of certainty that users of the site would not be exposed to undue risks. It is considered that, taking a proportionate approach,

planning permission can be granted subject to the development operating in accordance with the plan. Following the LLFA Officer's latest advice on the information submitted, it is also recommended that it is added as a footnote a recommendation that some or all of the staff sign up for Environment Agency flood warnings or Met Office severe weather warnings.

Subject to this it is considered that it would accord with the aims of LP27 and NPPF Chapter 14.

6 – Representations: Holme Valley Parish Council's support for the proposal is noted. Other than this, no representations have been made.

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: 2020/93501

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 Policy LP24 of the Kirklees Local Plan.

3. The areas for the parking of vehicles as shown on the submitted proposed layout plan shall be marked out, and the entrance enclosure railings shall be installed, before the proposed use is commenced. The railings and gates shall be given a black factory-applied colour finish before being installed. The parking spaces and railings shall thereafter be retained as such.

Reason: To ensure that satisfactory parking provision, and safe access and egress routes for pedestrians (including vulnerable adults) are provided and maintained at all times, to ensure that the development conserves the character of the Honley Conservation Area, and to accord with the aims of Policies LP21, LP22, LP24(f), and LP35 of the Kirklees Local Plan, and Chapter 16 of the National Planning Policy Framework.

4. No activities shall take place within the ground floor of the building outside the hours of 0900 to 1700 on any day of the week.

Reason: To prevent the proposed use giving rise to noise disturbance to residential properties near the site arising from noise at unsocial hours or at weekends, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

5. The development shall operate in accordance with the Flood Evacuation Plan submitted 11th December 2020.

Reason: To ensure that no users of the site are exposed to safety risks arising from flooding, and to accord with the aims of Policy LP27(c) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Note – Flood risk. To accord with the Flood Evacuation Plan it is recommended that some or all staff sign up for Environment Agency flood

warnings in the area. If the Environment Agency do not cover this area, staff may instead sign up for the Met office severe weather warnings.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			15-Oct-2020
Location plan			15-Oct-2020
Existing and proposed floor plans	Planning drawing		15-Oct-2020
Flood evacuation plan			11-Dec-2020

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 requested the applicant submit a flood evacuation plan to ensure that flood risks for future occupants would be minimised but no amended plans were requested.

Report Dated: 17-Dec-2020