

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:	2023/62/90629/W
Site Address:	Holmfirth Methodist Church, School Street, Holmfirth, HD9 7EQ
Description:	Use of land and garage for temporary retail market, storage of market equipment and bin waste storage (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – Conditional Full Permission – for a temporary period

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: 9th May 2023

Officer Report 2023/90629

Holmfirth Methodist Church, School St, Holmfirth HD9 7EQ

Site Description

School Street is a paved but unadopted cul-de-sac that extends off the eastern side of Huddersfield Road and ends at a footbridge across the River Holme. The upper part provides access to Market Street and the public pay-and display car park to the north of School Street, and pedestrian access to a café and Methodist church which are on the southern side of School St. A detached garage is also situated on the southern side of School St at its lower extent.

The site is within Holmfirth Conservation Area but there are no Listed Buildings in the vicinity of the site.

Description of Proposal

The proposal is for the use of the land and garage as a temporary retail market, storage of market equipment and waste bin storage. The application states it is to operate on two days a week.

This Planning Application is made by Holmfirth Forward, a community company, that has been in discussions to obtain a License to operate a Market by Kirklees Council if Planning Permission and other requirements are obtained.

The background to the application is the granting of permission (ref. 2021/92946) to demolish the existing Holmfirth Market Hall to form an extended car park with facilities for an Open-Air Market and other festival activities on the same site. It is proposed that School Street may provide a temporary home for the market traders during the period of construction. When the former site is available, the traders will return to that site, subject to further Planning Permission. This is therefore an application for temporary permission.

It is currently expected that construction work will begin on 15 May 2023 and last for 12-15 months. The applicant has requested that the permission last 3 years to account for slippage in the construction period. It is proposed that the opening hours would be Thursdays and Saturdays only from 08.00 to 15.00, plus set-up and clear-away time which the applicant has advised the case officer is likely to be about an hour, although some traders may arrive and start setting up before 7am.

It is expected that up to 6 stalls will operate at each opening. Should this increase in the future, the applicant will seek an amendment to the permission.

The layout plan shows that 6 individual market stalls would be located along a strip of approximately 18m at the lower end of School Street (just before the footbridge) leaving a pathway approximately 1.5m wide for the passage of pedestrians. The garage is to be used for the storage of Market equipment and two wheeled bins for waste would be sited next to it.

History of negotiations/amendments received

None.

Relevant Planning History

None.

Representations

Final publicity date expires: 28-Apr-2023 (publicity by site notice and press publicity in addition to neighbour letter as the site is in a Conservation Area)

Holme Valley Parish Council – Support.

No representations received from other third parties.

Consultation Responses

KC Highway Development Management – No objection.

KC Markets – Support the application.

KC Environmental Health – No objection.

KC Legal Services – 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) and the Holme Valley Neighbourhood Plan (adopted 8th December 2021).

Kirklees Local Plan

The site is within land forming part of Strategic Green Infrastructure Network on the Local Plan Proposals Map and which also lies within Holmfirth Town Centre and Holmfirth Conservation Area.

Most relevant Policies:

LP 13: Town Centre uses
LP 20: Sustainable travel
LP 21: Highways and access
LP 22: Parking
LP 24: Design
LP 35: Historic environment.
LP48 – community facilities

Holme Valley Neighbourhood Development Plan (2020-2031)

The following policies of this plan are considered most relevant:-

Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley

Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

Policy 7 – Supporting economic activity

Policy 8 – Facilitating development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centre

Policy 11 – Traffic management and design

Policy 12 – Promoting sustainability.

The site is within Landscape Character Area 4: River Holme Settled Valley Floor. This character area is described as:

One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key built characteristic of the area are

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

Supplementary Planning Documents:

- KC Highways Design Guide 2019

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 – Requiring good design
- Chapter 15 – Conserving and enhancing the natural environment
- 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 within Holmfirth Town Centre, within which Policy LP13 applies. This states that main town centre uses shall be

located within defined centres, which should provide a mix of uses to serve the local community, businesses and visitors to the district. Main town centre uses (which include retail) which are appropriate in scale, help to retain an existing centre's market share, and enhance the experience for those visiting the centre, will be supported.

Holme Valley NDP Policy 7 states that proposals will be supported which result in the creation or sustainable expansion of existing and new businesses, particularly those defined as "micro" or "small" provided that it would not result in "severe adverse traffic impacts", accommodates car parking and service areas appropriate to the scale of the business. Policy 8 states that new development and changes of use within Holmfirth Town Centre should complement existing provision and ensure easy pedestrian access.

The proposed development, which is a form of retail, is appropriate in principle within a Town Centre. It would complement neighbouring uses and would help to sustain the vitality and viability of the Town Centre, thereby supporting the aims of the above policies and those of Chapter 7 of the NPPF. It would also retain a community facility in accordance with Policy LP48 of the Local Plan.

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. Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that harm should not be permitted without a proportionate justification. This approach is also supported by Policy LP35 of the Local Plan.

Any implications for highway safety and access will also be considered as required by Policies LP20-22.

2 – Impact on visual amenity: No building, groundworks or other development would be required for the market to function. The only visual impact would be the short-term impact arising from the market stall paraphernalia, which would, it is expected, consist of low-key temporary structures that would be cleared away when not in use on two days of the week. It is considered that this would have no adverse impact upon the character of the Holmfirth Conservation Area nor the character of the wider townscape or landscape. It is therefore judged to be in accordance with the aims of LP24(a), 35, Policies 1-2 of the HVNDP, and Chapter 16 of the NPPF.

3 – Impact on residential amenity: The immediate neighbouring uses are not residential, and it is expected that the proposed use as a market would not generate levels of noise, that are abnormal within a town centre setting, or other environmental impacts that would disturb residential occupiers who live

more distant from the site. It is therefore considered that it would have no adverse impact on residential amenity and would accord with the aims of LP24(b).

Environmental Health have commented that:

A cover letter in support of Planning Application at School Street, Holmfirth HD9 7EQ dated 23 February 2023 has been submitted. The letter clarifies the operating Thursdays and Saturdays from 08.00 to 15.00, plus set-up and clear-away time. Initially 3-6 stalls will be operating with capacity for further stalls.

Given the location of the proposed site, the two-day operation and the hours of operation we have no comments or recommended conditions, but we advise the licence holders to contact the Food Safety Team in Environmental Health to ensure the hygiene provisions necessary are available at the site. Food.safety@kirklees.gov.uk

4 – Impact on highway safety: There is no dedicated car parking, loading or unloading space within the site boundary. It is understood that the adjoining public car park will be used for these purposes.

Extensive discussions have taken place on how to implement the proposal prior to a formal application being submitted. Highways Development Management provided advice on the requirements for the location of the market stalls, any loss of parking in the existing car park and the provision and collection of any waste associated with the proposed market.

The proposal does not involve physical works within the highway or the creation of any new means of access to it. It is considered that it would be accessible to all users and would not unacceptably interfere with existing access routes to other parts of the Town Centre.

Highways Development Management confirm that the information provided addresses all the issues previously discussed with the Council as such, no concerns are raised from a highway safety point of view. Kirklees Council will need to provide a License to occupy part of the site, adjust parking restrictions and possibly institute Road Closures on market days, following granting of Planning Permission.

No highways-related conditions are deemed necessary.

It is therefore considered that it would accord with the aims of LP21-22 and of Policy 11 of the HVNDP.

5 – Other matters:

Biodiversity:

The site is in the bat alert layer and within an area in which there are swift nesting records. The nature of the proposal is unlikely to affect the biodiversity of the area, nor is it likely to present opportunities for ecological enhancement.

Drainage and flood risk:

The site is in an indicative Critical Drainage Area but not within an area designated as being at risk of flooding by the Environment Agency or in the Kirklees Strategic Flood Risk Assessment. Since the proposal does not involve the erection of any new buildings or the creation of new hardstanding, it is considered that it does not have any implications for drainage or flooding.

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target; however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is in a highly sustainable location, and does not involve any building or engineering operations, its implications for climate change are negligible. In the circumstances, the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14, Policy LP24(d) of the Local Plan and Policy 12 of the HVNDP.

Conditions

The application has been submitted to operate the market on 2 days a week between specific hours. Consideration has been given to whether a condition would be required to limit the use to these specific days/hours as these have been assessed by consultees. However, the market would also require a specific license to operate and these matters would therefore be controlled by other regulatory regimes. In these circumstances, it is considered that no specific 'hours of use condition' would be necessary.

6 – Representations: Holme Valley Parish Council's support for the proposal is noted. No representations were made by other third parties.

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, subject to this being a temporary 3-year

permission to accord with the terms of the application and to retain adequate planning control over the site.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/90629

Officer Recommendation: Approve

Conditions and Reasons

1. This permission shall be for a limited period, expiring on [3 years from date of permission] and on the expiration of this period the use shall permanently cease.

Reason: To accord with the terms of the application and so as to retain adequate planning control over the site in the interests of highway safety and ensuring the vitality and viability of Holmfirth Town Centre, and to accord with the aims of Policies LP13, LP20-22 of the Kirklees Local Plan, Policies 7, 8 and 11 of the Holme Valley Neighbourhood Development Plan and Chapters 7 and 12 of the National Planning Policy Framework.

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 the aims of Policies LP13, 20-22, 24 and 35 of the Kirklees Local Plan, Policies 1, 2, 7, 8 and 11 of the Holme Valley Neighbourhood Development Plan and Chapters 7, 12 and 16 of the National Planning Policy Framework.

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.

NOTE: The Environmental Health Service advise that the License holders contact the Food Safety Team in Environmental Health to ensure the hygiene provisions necessary are available at the site. Food.safety@kirklees.gov.uk

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			27-Feb-2023
Supporting statement			27-Feb-2023

Plan Type	Reference	Version	Date Received
Location plan			27-Feb-2023
Plan of stalls and bins			27-Feb-2023

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 Planning 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 did not request amended plans or additional information as none were considered necessary.

Report Dated: 05-May-2023