

**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:	2023/62/91717/E
Site Address:	Fitness Connection, Foundry Street, Ravensthorpe, Dewsbury, WF13 3HW
Description:	Installation of Glazed Front, Larger Windows, Decking & blockwork wall.
Recommending Officer:	Edward Cheseldine

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22 November 2023

Officer Report

2023/91717 - Fitness Connection, Foundry Street, Ravensthorpe, Dewsbury, WF13 3HW

Site Description

Fitness Connection on Foundry Street is a former theatre building that was constructed as a cinema in 1914. The building features ornate stone fenestration details on the facade facing Foundry Street. External walls of the building are constructed with red brick. The building has a rectangular form with a dual pitched roof which is clad in slate tiles. Several of the entranceways have been blocked up by modern materials and the main entranceway is now on the north-east elevation of the building.

The site is currently in use as a gym.

Proposal Description

The applicant is seeking permission to install a glazed frontage, large windows, decking and blockwork wall.

History of Negotiations

The planning officer sought additional information seeking the type of materials for the advertising, height and material of decking.

Relevant Planning History

94/93115 – Change of use from a warehouse to a gym – Full permission granted.

Public Representations

Neighbourhood notification letters were sent out to advertise the planning application, which expired on 24 October 2023. As a result of the publicity there were no representations.

Consultation Responses

KC Environmental Health – Environmental Health assessed the placement of the extraction fan. As the kitchen serves a gym and it is not the main use of the building, and faces onto a car park there were no concerns.

Relevant Policies

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 Proposals Map.

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 predates 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. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 35** – 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 20th July 2021, and 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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

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

Principle of Development

Policy LP1 of the Kirklees Local Plan 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. In terms of extending and making alterations to a property, Policy LP24 of the Kirklees Local Plan is relevant, and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on Visual Amenity

Side Extension

A glazed side extension will be installed which will project 1.694m from the original elevation to a width of 4.153m. There will be double front doors installed with two large windows either side.

New Openings

New openings will be formed in the side elevation to create a natural frontage on the side elevation. These will consist of large window openings that come out on to the decking and other additional windows.

Decking

Decking will be installed as an infill between the side extension and side projection. Decking will be 200mm above ground level.

Block Wall

The block wall on the elevation facing Foundry Street will be brought forward to make the wall flush, with a mural painted over the wall.

Extraction Details

An extraction fan for the kitchen will be placed above the new glazed doors for ventilation of the food preparation area.

Signage

An advertisement totem will be placed within the car park which will be 2.10m in height and 1.00m in width. Signage will be placed on the north-west elevation of the building. This would require a separate application for advertisement consent and does not form part of the proposals under consideration.

Assessment

The application seeks an aesthetic change to the side elevation which is used as the main elevation for entering the building. Although the building was first erected as a cinema, it currently has an industrial appearance due to the large openings and lack of windows on the side elevation. The building's character stems from its ornate features on the front elevation facing foundry street, which will be unchanged. The additions will create another frontage onto the side elevation with glazing and signage. Additions will not detract from the ornate frontage and will open up what is thought to be an unattractive elevation. Furthermore, the footprint, form and massing will be largely unchanged as the additions are mainly cosmetic.

An extraction unit will be placed above the glazed openings, although this may appear industrial, it is a commonplace item on a commercial building.

The additions are acceptable in terms of impact to visual amenity given the improvements will open up the frontage, improving the building and surrounding area.

Impact on Residential Amenity

The proposal will introduce openings on the north-west elevation which faces a car park with no residential or commercial buildings in close proximity. Due to the building's relationship and orientation, there will be no impact to residential amenity.

Impact on Highway Safety

The gym has a large car park incorporated in the site. From the proposal, there will not be a change in use or an increase in usage as the alterations are mainly cosmetic. Bin storage will remain to the north-west of the building and have adequate access.

Environmental Matters

Flood Risk

The application site is identified within the Environment Agency's Flood Zone 2 on the Council's internal GIS. As part of the information accompanying the application, the applicant/agent has completed the Environment Agency's pro-forma entitled "Flood Risk Assessments for Householder and other minor extensions in Flood Zones 2 and 3". The information submitted with the application is considered satisfactory for this nature of development and would address the aims of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

The application site is identified within the Canal & River Trust's notified area for household and minor scale development on the Council's internal GIS. In this instance, as the works proposed are minor and mainly cosmetic, it was considered unnecessary to consult the Canal & River Trust. The information submitted with the application is considered satisfactory for this nature of development and would address the aims of Policy LP27 of the Kirklees Local Plan, Key Design Principle 14, and Chapter 14 of the National Planning Policy Framework.

Conclusion

This application for extensions and external alterations has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed alterations are considered to be acceptable.

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.

As set out above, 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: 2023/91717

Officer Recommendation: Approval

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

NOTE This permission does not relate to the signage shown on the submitted plans, which would require a separate application for advertisement consent.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	P01	3	18/11/2023
Design Access & Heritage Statement	DAH	1	12/06/2023
Flood Risk Assessment	FRA	1	11/09/2023
Climate Change Statement	CCS	1	14/09/2023

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 has, 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. In this instance, communication between planning officers and the planning agent were sought to consider what amendments could be provided to seek a positive outcome. In this instance, no amendments were necessary.

