

**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:	2023/62/93106/W
Site Address:	Holmfirth Tech, Huddersfield Road, Holmfirth, HD9 3AR
Description:	Change of use of Adult Education Centre (Class F1(a)) to a mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b) (part retrospective) (Listed Building within a Conservation Area)
Recommending Officer:	Katie Chew

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: 2nd February 2024

Officer Report

Site Description

Holmfirth Tech, Huddersfield Road, Holmfirth, HD9 3AR

The application site relates to an existing substantial two-storey stone built building with accommodation also provided within the basement. The building is in Jacobean Gothic Style with pitched faced coursed stone and ashlar dressings. The building is located on the corner of the A6024 Huddersfield Road and Bridge Lane, with access to the site available via a narrow driveway between the north elevation of the building and the adjacent row of terrace properties (nos. 142-150 Huddersfield Road). The driveway leads to a small car park to the rear of the building.

The site is located approximately 30m from the Holmfirth Town Centre boundary.

To the north and south-west are residential dwellings, to the east adjoining the site is a commercial property and to the south is Holmfirth Fire Station.

The site is located within Holmfirth Conservation Area and relates to and is adjacent to Grade II Listed Buildings.

Description of Proposal

The application seeks planning permission for the change of use of Adult Education Centre (Class F1(a)) to a mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b) (part retrospective) (Listed Building within a Conservation Area).

The proposals relate to a part retrospective change of use with the submitted Planning Statement noting that the Holmfirth Technical College opened in 1884 in order to provide additional facilities beyond the ordinary provision of elementary schools for the local community. In 1907 the building was converted into a secondary school and for several years was in operation as a centre for adult education. In 2011 Kirklees College decided to close the centre, in 2018 Holmfirth Tech Ltd was created and is now used as a creative hub for arts, learning, wellbeing and enterprise.

Planning permission is now being sought as the applicant wished to gain the necessary financial security to move forward with sufficient certainty that the proposed uses would be viable over the long term.

Whilst not an exhaustive list the applicant's agent has provided the below list of current uses at the site:

Lower Ground Floor:

Dance Studio – This space is used mainly for dance and fitness lessons. Examples of its main use include yoga. It is also used by the Soul Choir twice a week and by Slimming World one evening a week. During the Holmfirth Music and Folk festivals, the room is also hired out by the organisers of those events.

Rock Room – This room is used primarily for music lessons and rehearsals.

Art Room – This space hosts an art school, with art lessons and activities run with various groups throughout the week.

Ground Floor:

Exhibition/Meeting Room – This room is used as a meeting room for various community groups and is also hired out for a monthly art exhibition.

Library - This space is a meeting room. It is currently being hired out by Barclays bank three times a week for financial help and advice. It is also used by other community groups and for private hire.

North Office – This room is rented to a web designer at the moment. It has previously been used as a meeting room.

Café and the Kitchen – This is not a public café at the moment but can be hired out by community groups or individuals for a wide range of activities including coffee mornings, cookery lessons, and music groups and performances, meetings, private events etc. The rooms can be hired separately. There is the possibility that in the future the café would sell food and drink to members of the public and/or this space may host pop-up restaurants. This is why Class E(b) has been included within the description of the proposals.

First Floor:

Light Room – This room is hired out throughout the week by various community or business groups.

River Room – This room has been divided by non-structural studding walls to create two smaller offices in response to demand from local businesses. One room is currently occupied by an Environmental Education Company, and one is an Artist's Studio.

The front room is currently rented out by a Mother and Baby Education Company (Nest). The Nest is a not-for-profit, community parenting space, supporting parents and early years development. They host a number of classes throughout the week including Sing and Sign, Breastfeeding Group, Arty Toddlers, Baby Massage, Postnatal Yoga etc. There is an increasing number of young families in the area which benefit from these types of services.

Business Suite – This space is currently used a co-working space, but in response to local demand, it will be divided into three smaller rooms, using non-structural studding walls, to create flexible space for business use. Neither planning permission nor listed building consent would be needed for these minor internal alterations.

An Artist's Studio is located at the rear corner of the first floor.

It is important to note that no external or internal alterations are proposed within this application.

History of negotiations/amendments received

Amendments were sought in respect of the originally submitted red line boundary which appeared to be slightly incorrect. Amended plans were provided by the applicant's agent to rectify this concern.

Relevant Planning History

2004/90020 – Erection of store and installation of air conditioning condensers (within a Conservation Area). Approved 24th February 2004.

2003/94709 – Erection of prefabricated store and installation of air condensers (within a Conservation Area). Withdrawn 22nd December 2003.

2000/92611 – Formation of new access ramp (within a Conservation Area). Approved 31st October 2000.

Pre-application Advice

2018/20058 – Pre-application for change of use to offices and meeting rooms, café/bakery, music practice and performance space and children's art school. Comments made 5th February 2018. This pre-application concluded that:

'In conclusion subject to passing the necessary sequential test set out in section 6.2, it is considered that the proposal would be acceptable in principle. A plan showing the parking arrangements for the site should be provided in any application, along with a noise Report, and details of ventilation arrangements for the café / bakery will be necessary in addition to the standard requirements'

Planning Enforcement

COMP/20/0427 – Alleged unauthorised change of use from D1/F (community use) to B1/E (Commercial). No evidence of breach.

Consultation Responses

KC Highways Development Management – Comments received 26th January 2024. No objections subject to conditions and informatives relating to bin storage, submission of a sustainable travel statement,

KC Environmental Health – Comments received 6th November 2023. No objections to the proposals. However, the applicant is reminded that events beyond normal times may be subject to Temporary Events Notices with separate conditions and they should seek advice and or approval from the licensing team.

DOCO – Comments received 13th December 2023. No objections, however Officers do note that the applicants are encouraged to secure the premises properly by ensuring the doors and windows can be secured effectively. Additional burglar alarms and CCTV systems can improve the security levels. Details of security measures can be found on the below website:

[Secured by Design - Secured by Design](#)

Parish/Town Council

Holme Valley Parish Council – Comments received 7th December 2023. Support but would like to draw attention to neighbour concerns regarding parking.

Local Ward Members

None.

Representations

Final publicity date expires:

Neighbour Letters - Expired 1st December 2023.

Site Notice – Expired 24th November 2023.

Press Notice – Expired 1st December 2023.

2 representations have been received in objection to the proposals; comments are summarised below.

- The change of use has caused an extensive intensification of traffic and pedestrian use of the access lane and car park. Further growth will further intensify any issues.

Officer note: Noted. The Council's Highways Officers have been consulted, their comments can be found within the consultation responses and highway safety sections of this report.

- Request that the hours of operation are controlled and enforced.

Officer note: Noted. Should planning permission be granted a condition to that effect will be placed on the decision notice.

- The cycle rack is in a dangerous location and creates further access issues.

Officer note: Noted. The Council's Highways Officers have been consulted, their comments can be found within the consultation responses and highway safety sections of this report.

- There is no provision for safe disabled parking.

Officer note: Noted. The Council's Highways Officers have been consulted, their comments can be found within the consultation responses and highway safety sections of this report.

- The car park surface is unsuitable, uneven, degraded, slippery with poor drainage and the spaces are not marked out.

Officer note: Noted. The Council's Highways Officers have been consulted, their comments can be found within the consultation responses and highway safety sections of this report.

- There is limited turning and reversing in the car park due to the layout and condensed parking.

Officer note: Noted. The Council's Highways Officers have been consulted, their comments can be found within the consultation responses and highway safety sections of this report.

- Concerns over decreased living standards and loss of privacy for residents to enjoy their properties.

Officer note: Noted. The Council's Environmental Health team have been consulted, their comments can be found within the consultation responses and residential amenity sections of this report.

- Refuse storage for the building is insufficient.

Officer note: Noted. The Council's Highways Officers were consulted on the proposals, their comments can be found under the consultation responses and highways safety sections of this report.

- Concerns over noise and light pollution to neighbouring residential properties.

Officer note: Noted. The Council's Environmental Health Officers have been consulted on the proposals their comments can be found within the consultation responses and residential amenity sections of this report.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being within Holmfirth Conservation Area and relates to, and is adjacent to Listed Buildings.

Planning Policy Background

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 Development Plan (adopted 8th December 2021).

The application site is located within Holmfirth Conservation Area, is listed as a Unlisted and Listed Asset of Community Value and relates to a Grade II Listed Building, adjacent several other Listed Buildings to the north. The site is also located within the Strategic Green Infrastructure Network, Holme Valley Neighbourhood Area and a bat alert area. The site is also partially located within Flood Zone 2 along the eastern boundary.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP26 – Renewable and Low Carbon Energy**
- **LP27 - Flood Risk**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **LP35 – Historic Environment**
- **LP48 – Community Facilities and Services**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protecting 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) updated 20th December 2023, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making efficient use of land

- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

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

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”

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

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”

Policy 3: Conserving and Enhancing Local Heritage Assets

“All development proposals affecting these character defining components of the designated Conservation Areas or their settings will be assessed in terms of Kirklees Local Plan Policy LP35 Historic Environment Part 1W”

Policy 9: Protecting and Enhancing Local Community Facilities

“Where the proposal involves a community facility listed as an Asset of Community Value on a Community Assets Register the community must first be given the opportunity to acquire the asset to continue its operation before planning permission for an alternative use or development can be granted...Proposals to create, expand or alter schools will be supported”

Policy 11: Improving Transport, Accessibility and Local Infrastructure

“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”

Policy 12: Promoting Sustainability

“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

It is important to note that the application site is within Landscape Character Area 4, this being the ‘River Holme Settled Valley Floor’. Key characteristics of the area include 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 comprise largely of millstone grit. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing. In addition, a network of Public Rights of Way including the Holme Valley Riverside Way which follows 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 other recreation facilities.

Key built characteristics of the area include 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 areas 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 and 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.

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP1 of the Kirklees Local Plan states that *“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”*.

Policy LP48 of the Kirklees Local Plan notes that proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community. This view is also supported by Policy 9 of the Holme Valley Neighbourhood Development Plan.

In this instance, the proposals seek a part retrospective change of use of the existing building which is currently/was previously in use as an Adult Education Centre (Class F1(a)) to a mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b). Given the nature of the proposals which seek to provide alternative education, community and leisure and cultural facilities within the area for the community, and that the existing buildings are to be retained with no changes proposed externally or internally to the building, the proposals are considered to be acceptable and in accordance with national and local planning policy. In addition, as the proposed use relates to a mix of different facilities of which Officers do not consider the proposals in this instance to relate to a main town centre use, and therefore the edge of centre location is considered to be appropriate on this occasion.

For the above reasons, the principle of the proposed change of use is considered acceptable and accords with Policies LP1, LP2 and LP48 of the Kirklees Local Plan, and Policy 9 of the Holme Valley Neighbourhood Development Plan.

2 - Impact on Visual Amenity and Heritage Assets:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high-quality beautiful and sustainable 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”.

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change’.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), River Holme Settled Valley Floor (LCA4).

Policy 2 of the HVNDP states that “proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] *“should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”*

As the application site is located within the Holmfirth Conservation Area and relates to and is adjacent to Grade II Listed Buildings it is important to assess any potential impact the proposals would have on these heritage assets. In addition to this, the site is acknowledged as being a listed and unlisted asset of community value.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...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.”*

Policy 3 of the Holme Valley Neighbourhood Development Plan is also of relevance and in particular notes that when designing development proposals for all local heritage assets and non-designated heritage assets, owners and developers should have regard to conserving the significance of the asset and the components which positively contribute to its character or appreciation as a heritage asset.

Paragraph 205 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*. This is further supported by paragraph 208 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

Historic England notes that the reasons for designation of the host building are as follows:

“Holmfirth Technical Institute, of 1892 to 1894 to designs by Joseph Smith, is listed at Grade II for the following principal reasons:

Architectural interest:

** it is an imposing and attractive small-scale further education building, showcasing the importance attached to technical training in the late C19 and the desire to express this in architectural form even in small towns; * it is little-altered externally and retains much of its historic interior, including its plan-form and staircase, decorative joinery, plasterwork (some concealed by later ceilings), and ventilation system with arched wall niches and timber box ducts”*.

The proposals seek a part retrospective change of use from adult education to a mixed-use community facility with no external or internal alterations proposed. Given that this is for a simple change of use, whereby the existing

building will not change in size, scale or appearance – only operation, Officers consider the proposals to have a neutral impact on the Holmfirth Conservation Area and the fabric and setting of the Listed Building itself, and Listed Buildings located adjacent.

As outlined within the submitted Planning Statement Holmfirth Tech was listed on the Kirklees Asset of Community Value register. It was therefore acknowledged by the Council that the last known use of the building as an Adult Education Centre had a community benefit in terms of furthering people's social interests and social wellbeing.

It is proposed that the existing lawful use of the building as an Adult Education Centre (F1(a) - formally Use Class D1) be changed to a mixed-use facility to incorporate Class E and F uses (part retrospectively). This still includes the provision of informal education, but also includes a much wider range of commercial, business, service and community uses.

The uses proposed (Class E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b)) and therefore considered to continue to have a significant community benefit for local people through the provision of informal education, leisure, social and cultural activities/events that the building facilitates. The proposed change of use is also considered to support the longevity of Holmfirth Tech which is reliant upon the income generated through the rental of rooms within the building. The submitted Planning Statement outlines that running costs of the building have trebled over the last year and that it is essential that a good degree of flexibility throughout the building is maintained. The applicant therefore considers that the change of use of the building to cover the majority of Class E uses and some of the Class F uses would allow this flexibility. Officers acknowledge how the building is currently operated and that it is imperative that the building remain in operation to ensure its retention in the future.

In conclusion, taking the above into account, it is considered that the proposals accord with the requirements of Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, Policies 1, 2 and 3 of the Holme Valley Neighbourhood Development Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

Impact on nos. 142, 144 and 148 Huddersfield Road

These neighbouring properties are located to the north of the application site approximately 3+ metres away. As no external changes are proposed to the scale and size of the existing building, and no additional windows are to be installed Officers have no concerns in respect of overlooking, overshadowing or the proposals appearing overbearing in nature when compared to what currently exists at the site.

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable; Policy 2 of the HVNDP follows this theme.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

In respect of any potential noise pollution arising from the proposals, the Council's Environment Health Officers were consulted and noted that the application appears to be formalising the current use of the building as a centre for community education and activity. The hours of use confirm the building closes at 21:00 Monday to Saturday and 17:00 on Sundays. It would appear any noise generating uses have been located within the building to provide mitigation to nearby sensitive receptors, looking at our records we had one complaint which was resolved informally in 2021, there have been no noise complaints recorded since that time. As the building is currently in use and no physical changes to structure or parking are proposed Environmental Health Officers have no comments or objections to make. However, the applicant is reminded that events that go beyond normal times may be subject to a Temporary Event Notice with separate conditions and that they should seek advice and/or approval from the Licensing Team if required.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, as well as Chapter 12 of the National Planning Policy Framework and Policy 2 of the Holme Valley Neighbourhood Development Plan.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design.

The proposals relate to a part retrospective change of use from an adult education centre to a mixed-use community facility with parking, the building has been operating as a community use facility for several years at varying levels of occupancy and layout. Given the nature of the proposals the Council's Highways Officers were consulted, they noted that the application site is located at the edge of the compact town centre and as such is in a sustainable location with access to public transport and town centre shops and facilities, with several town centre public car parks available.

As outlined above, the site was previously used as an adult education establishment and would have generated some trips as this use; however, this would be different to the proposed (current) land use and more trips throughout the day and evening and outside term times would be expected with a larger number of short classes and the drop-off and pick-up of children's classes. Nevertheless, whilst the proposals will likely cause an increase in trips to the site Highways Officers consider that the trips can be managed in relation to parking demand.

In terms of access to the site, access is gained via a narrow entranceway off Huddersfield Road located between the north elevation of the building and the adjacent row of terrace properties (nos. 142-150 Huddersfield Road). The driveway leads to a small car park to the rear of the building. This access route is also shared with the marked pedestrian route to the accessible entrance to the building. With the intensification in use of the access expected by the proposals Officers would ideally have requested a second access to be created however, due to the topography of the land and restricted nature of the site this would be difficult. Highway Officers therefore suggest that a parking management plan be submitted which restricts the use of the car park to permit holders only, limited to existing residential users at 142-150 Huddersfield Road, commercial users from the adjacent business at 16 Bridge Lane and full-time staff from the Tech. This should severely limit the number of traffic movements and reduce the opportunities for conflict to occur. All other users of the tech should either use the nearby town centre public car parks or sustainable modes of transport.

Highway Officers also note that there is uncertainty as to whether the change of use from play area to car park has planning permission, at present the car park has an unmarked rough surface and therefore it is considered

reasonable to request a condition be imposed which requires the car park to be surfaced, drained and marked out with parking spaces. This should include at least 1 accessibility space located close to the accessible entrance, with other spaces marked to show which ones are associated with which end user (residential/commercial/tech staff). A car park drawing is therefore requested to be submitted outlining the above details. Information on the location of safe and secure cycle parking should also be included on the car park drawing.

Furthermore, due to the site's edge of town centre location, Highway Officers have requested the submission of a sustainable travel statement which is set up for the proposal site and encourages the use of sustainable modes of transport above the use of private cars. Whilst this would not be monitored it should state the applicant's commitment to the promotion of sustainable travel at the venue and should include the promotion of sustainable modes above private car use in all literature and on the website.

In respect of bin storage and waste collection, no details have been provided within the submission. Highways Officers note that waste storage and collection should be provided and is expected to be done by either a private company or Kirklees Commercial Waste and be based on guidance provided by Kirklees Waste Strategy team. The location of a storage point and a collection presentation point should be clearly marked on a drawing to indicate that it will not obstruct parking or manoeuvring in the car park or obstruct the adopted highway or footway for road safety reasons. It is therefore considered reasonable to attach a condition to that effect should planning permission be granted, this would be in the interests of highway safety.

Taking the above into consideration Highways Officers conclude that subject to the recommended conditions Officers consider the application to be acceptable on balance. The proposals are therefore considered to accord with Local Plan Policies LP21 and LP22, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

Flood Risk

Part of the site is within Flood Zone 2 on the Environment Agency's Flood Risk Map for Planning (land assessed as having between a 1% and 0.1% annual probability of fluvial flooding or between a 0.5% and 0.1% annual probability of tidal flooding in any year).

Policies LP27 and LP28 of the Kirklees Local Plan, as well as Chapter 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage and flooding risk.

Paragraph 165 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Policy LP27 of the Kirklees Local Plan relates to flood risk and states that proposals must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy.

Whilst no details have been provided in respect of flooding, the proposed building itself is to be located outside of the Flood Zone 2 identified area, leaving the space falling within the flood zone to be utilised as a car parking area. In addition to this, the car park and building already exist in this location and given that no changes are proposed within this application externally or internally Officers have no concerns in respect of flooding on this occasion.

Given the above, it is considered that the proposals are in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Whilst it is acknowledged that the application site is located within a Bat Alert Area, as the proposal is for a simple change of use whereby no alterations are proposed internally or externally to the existing building, it is therefore considered very unlikely that roosting bats will be found on site.

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

Policy 12 of the Holme Valley Neighbourhood Development Plan which states that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions.

The application is supported by a Climate Change Statement, this statement outlines that the host building has had an energy efficiency report carried out and as a result they have an energy efficient plan which is reviewed annually. The building has also received a grant to install LED lighting in the majority of the building, the installation of a new more energy efficient boiler has also been undertaken and the dance studio windows have been replaced with double glazing. They are currently in the process of draught-proofing the windows and apply for grants to replace all of the windows.

Given the above and considering the small-scale and nature of the proposed development, it is considered reasonable to not request the submission of any further information in respect of the Council's climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Policy 12 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 – 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation – Delegated Powers

Application Number: 2023/93106

Officer Recommendation: Approve.

Conditions and Reasons

1. The development hereby permitted shall be carried out in 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 Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP26, LP27, LP30, LP31, LP35, LP48, LP51 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework and Policies 1, 2, 3, 9, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan.

1. Within three months from the date of this permission, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include details of:

- The control of use of the car park being restricted to permit holders only and details of signs indicating this.
- The marking out of the car park and indication of what spaces are available to the shared authorised users.
- The number and location of accessibility spaces.
- The location and number of cycle parking spaces.
- Management of drop-off and pick-up and measures to remove this from the car park.
- Other means to reduce the number of vehicles using the narrow access road.
- Dissemination of information for centre users on sustainable travel options and locations of town centre public car parks.
- Mechanism for review of the car park management plan.

The development shall thereafter be operated in accordance with the approved Car Park Management Plan.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity, and to accord with LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Development Plan.

2. Notwithstanding the details shown on the approved plan, within three months from the date of this permission, a scheme detailing arrangements and specification for layout of parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements and specification of the parking spaces shall be completed in accordance with the details shown on the approved plans within 6 months of the date of this permission and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Development Plan.

3. The use hereby permitted shall not be open to customers outside the hours of:
 - Monday to Saturday: 08:30 – 21:00
 - Sunday and Bank Holidays: 09:00-17:00

And there shall be no deliveries to, or dispatches from the premises outside of these hours.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. Within three months from the date of this permission, details of suitable storage, bin presentation points and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details of storage, bin presentation points and access for collection of wastes shall be provided within 4 months of the date of this permission and retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Kirklees Local Plan Policy LP24 part d(vi) and Chapter 9 of the National Planning Policy Framework.

5. Within three months from the date of this permission, a Sustainable Travel Statement shall be submitted to and approved in writing by the Local Planning Authority. The sustainable travel statement shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- the provision of bus information and sustainable transport routes in literature and on the development's websites;
- information provided in literature and on the development's web site concerning the use of car sharing;
- the introduction of working practices to reduce travel demand;
- the provision of on-site cycle facilities and information.

The Sustainable Travel Statement shall include details of when these measures will be introduced. To support the promotion of the use of sustainable modes the sustainable travel statement will also include how the promotion of sustainable travel will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site and how the travel plan statement and its objective of more sustainable

travel will be promoted. The approved sustainable travel statement shall thereafter be retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the Council's sustainability objectives and to accord with Chapters 9 and 14 of the National Planning Policy Framework, Policy 11 of the Holme Valley Neighbourhood Plan and Policies LP20 and LP22 of the Kirklees Local Plan.

6. Within three months from the date of this permission, the approved vehicle parking areas and areas to be used by pedestrians shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 14 of the National Planning Policy Framework.

NOTE: Construction related noise shall not take place outside the hours of: -

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
(23227)1_Location Plan	-	B	19 th December 2023
(23227)2_Layout as Existing	-	C	19 th December 2023
Climate Change Statement – Supporting Information	-	-	20 th October 2023
Planning Statement – Supporting	-	-	20 th October 2023

Information			
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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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought in respect of the originally submitted red line boundary which appeared to be slightly incorrect. Amended plans were provided by the applicant's agent to rectify this concern.

Report Dated:

31/01/2024