

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:	2024/62/91269/W
Site Address:	Upper Floors, 11-13 Ramsden Street, Huddersfield, HD1 2SX
Description:	Change of use of upper floors of existing commercial building from bar and nightclub to sports bar and members billiards club (within a Conservation Area)
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 17th July 2024

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Officer Report.

Reference: 2024/91269

Location: Upper Floors, 11-13 Ramsden Street, Huddersfield, HD1 2SX

Proposal: Change of use of upper floors of existing commercial building from bar and nightclub to sports bar and members billiards club (within a Conservation Area).

Site Description.

11-13 Ramsden Street is a stone building located in Huddersfield Town Centre.

The application site is located in Huddersfield Town Centre, within the Huddersfield Town Centre Conservation Area. Listed Buildings are located to the east, south east and south of 11-13 Ramsden Street.

Description of Proposal.

Planning permission is sought for the change of use of upper floors of existing commercial building from bar and nightclub to sports bar and members billiards club.

The proposal does not include any external alterations to the building.

The opening times on the submitted application form set out the proposed use would take place between the following hours:

- 10:00-00:00 Monday to Friday
- 10:00-01:00 Saturdays
- 10:00-11:00 Sunday / Bank Holiday

History of Negotiations.

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History.

- 2020/91604 – Notification for prior approval for change of use from Class A2 to restaurants and cafes. *Details Approved.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have

publicised this application via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 21st June 2024.

No representations received.

Consultation Responses.

KC Environmental Health – Do not consider there to be any significant Environmental Health impacts with this development. Confirm that they have no objections to permission being granted for this development.

Policy/Legislation.

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 located within Huddersfield Town Centre, within Huddersfield Town Centre Conservation Area. Listed Buildings are located to the east, south east and south.

The application site is located within an area identified by the Coal Authority as being at high risk of ground movement as a result of former mining activity.

The following policies of the Kirklees Local Plan are considered relevant to the consideration of this application:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP13 – Town Centre Uses
- LP14 – Shopping Frontages
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP35 – Historic Environment
- LP48 – Community Facilities and Services
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 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.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 9 – Promoting Sustainable Transport
- 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

Other Considerations:

- Kirklees Highways Design Guide SPD (2019)

Legislation:

- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 required Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

Assessment.

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Other matters
- 4) Conclusion

1) Principle of Development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.

In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that: “...*the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.*”

The existing use of 11-13 Ramsden Street is as a bar and nightclub. This planning application seeks permission to change the use to sports bar and members billiards club.

Part A of Policy LP13 states that the role and function of the Principal Town Centre in Kirklees is to provide for the shopping needs (particularly of non-food goods) of residents across Kirklees and to be the main focus in Kirklees for the provision of financial and professional services, offices, entertainment, sport, leisure, arts, culture and tourism facilities, further and higher education and health services. A sports bar and members billiards club would be considered to fall into the category of providing an entertainment and leisure use and therefore, the proposed use would be considered an acceptable use in Huddersfield Town Centre.

11-13 Ramsden Street is within a Primary Shopping Area as defined on the Town Centre Maps. However, this application seeks only to change the use of the upper floors of an existing commercial building. Therefore, at street level the use of the building would remain as existing.

Subject to the proposal being concluded acceptable with regard to other applicable material considerations including highways, visual and residential amenity the principle of the development is considered to be acceptable.

1) Impact on Visual Amenity and Historic Environment

The NPPF offers guidance relating to design in chapter 12 (achieving well designed and beautiful 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.*”

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 development in the local area, thus retaining a sense of local identity.

LP24 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...*”

Due to the site’s location within the Conservation Area, paragraph 201 of the NPPF is relevant, which requires that the Local Planning Authority identify and

assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on the heritage asset, to avoid or minimise any conflict between the heritage asset's conservation any aspect of the proposal.

The requirements of Section 72 & 66(1) of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 are also relevant.

Policy LP35 of the Kirklees Local Plan will also be taken into account, stating 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”*.

The proposal does not include any external alterations to the exterior appearance of the Upper Floors of 11-13 Ramsden Street and therefore, it is not considered that the change of use of the upper floors of the building would present any harm with regards to impacts to visual amenity or the heritage significance of the Conservation Area / setting of the nearby Listed Buildings.

It should also be noted that, given the previous use of the site, the new proposed use would not be considered to significantly alter the character of the immediate site.

For the reasons set out above, it is considered that the proposed works would not cause detrimental harm to the visual amenities of the locality, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF. The proposal is also concluded to not affect the setting of the Conservation Area or nearby listed buildings, in accordance with the requirements of S66(1) and S72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Policy LP52 states that proposals which have the potential to increase pollution from, amongst other things, noise must include suitable and sustainable mitigation measures to protect the quality of life and well-being of people.

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. Paragraph 191 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health by

(amongst other things) mitigating and reducing to a minimum potential adverse impact resulting from noise.

The proposal does not include any exterior alterations and therefore, it is not considered that there would be any resultant impacts of overbearing, overshadowing or overlooking.

The Council's Environmental Health Team have been consulted regarding the proposal, stating they do not consider there to be any significant Environmental Health impacts with this development.

Only one building in close proximity to the site is registered on the Council's GIS mapping system as living accommodation. This is Albert Hotel to the north of 11-13 Ramsden Street. Given the previous use of the site, as a bar and nightclub, and the proposed use of the site as a sports bar and members billiards club, it is not considered that the new use would give rise to further impacts of noise.

Taking into account the previous use of the use and it's locational context within Huddersfield Town Centre, it is considered that the proposal would accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF.

3) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide, which seeks to ensure acceptable levels of off-street parking is also considered to be of relevance.

The application seeks permission to change the use of the upper floors of 11-13 Ramsden Street from bar and nightclub to sports bar and members billiards club.

On the application form, the applicant has outlined that the site does not have any existing vehicle/cycle parking spaces and that the proposed development will not add/remove any parking spaces.

Officers anticipate that, given the town centre location of the site, staff and visitors will access the sports bar / members billiards club on foot, utilise public transport links within the town centre or use public parking areas close by. Furthermore, waste associated with the proposed use is not considered to be significantly different to that associated with the existing use and it is not considered reasonable of the LPA to require a scheme of waste storage / collection arrangements to be submitted as part of this application given the existing arrangements would likely remain unaltered.

Given the above, Officers consider that the proposal acceptable in terms of impact on highway safety. It is therefore considered that the proposal would

be in accordance with Local Plan Policies LP21 and LP22 and Chapter 9 of the NPPF.

4) Other Matters

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 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.

Given that the application seeks permission for a change of use with no exterior alterations to the building, it is considered that the proposal is of a nature that would not have impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the NPPF.

5) 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: 2024/91269

Officer Recommendation: Approve

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 with Policies LP1, LP2, LP3, LP13, LP14, LP20, LP21, LP22, LP24, LP35, LP48, LP51 and LP52 of the Kirklees Local Plan and Chapters 2, 4, 6, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

NOTE: This decision notice does not grant permission for advertisements which may require advertisement consent.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	PP-13031730v1	-	03.05.24
Existing & Proposed Floor Plans	A(10)001	-	03.05.24
Application Form			13.05.24

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.

No negotiations took place, and no amended plans were sought or submitted.

Report Dated: 12.07.24

