

**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:	2024/62/92819/W
Site Address:	Enterprise Works, Long Lane, Honley, Holmfirth, HD9 6EA
Description:	Change of use and alterations to convert from furniture manufacturing to indoor cricket centre
Recommending Officer:	Lucy Taylor

DECISION – CONDITIONAL FUL 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: 27th March 2025

Officer Report.

Reference: 2024/92819

Location: Enterprise Works, Long Lane, Honley, Holmfirth, HD9 6EA

Proposal: Change of use and alterations to convert from furniture manufacturing to indoor cricket centre

Site Description.

Enterprise Works is a single storey building faced in brick with a gable roofing form, currently vacant, previously in use for furniture manufacturing until 01/07/2024. The site is accessible from the adopted highway of Long Lane, directly served by an unadopted highway (namely works access between 30/34 Long Lane).

The building is located within a predominantly residential area, with one neighbouring commercial premise (SCM Rooftech).

Description of Proposal.

Planning permission is sought for the change of use of Enterprise Works and alterations to convert from furniture manufacturing to indoor cricket centre.

No external alterations are proposed to the building of Enterprise Works.

Internally, the building will include:

- three cricket pitches
- cricket stores
- changing rooms
- W.C.'s
- mezzanine floor

16 parking spaces will be retained at the site.

The proposed opening hours are as follows:

- 16:00-21:00 Monday to Friday
- 10:00-16:00 Saturdays
- No opening on Sundays or Bank Holidays

History of Negotiations / Amendments Received.

As a result of the consultation responses from KC Highways Development Management, a 'Highway Statement' was submitted and the planning agent confirmed via email that the side access and rear area of the site are not required as part of the application and that the remaining buildings on site will have secure parking to the yard at the rear.

Relevant Planning History.

Whilst there is planning history at and around the site, none of it is considered to be directly relevant to the assessment and / or determination of this current planning application at Enterprise Works given it relates to the previous uses at the site for B2 (General Industry) and B8 (Storage and Distribution) uses.

Publicity & Representations.

This application has been publicised via neighbour notification letters. The final publicity date being 11th November 2024.

In response to publicity, four general comments were received, and nine objections were received. The received representations raised the following, summarised, matters:

Highway Safety:

- There's no where for parking. It will become a nightmare for local residents.
- No clear where parking will be.
- The proposed use will increase the vehicle movements significantly within peak times when these facilities are used to around 20 vehicle movements per hour and potentially 100 vehicle movements per day.
- The parking provision for this use is way under the required amount for a leisure facility which will result in cars being parked on Long Lane which already has a large number of residents cars parked along this stretch and don't think has the capacity for further cars without affecting residents.
- There are not 16 parking spaces allocated to the property as per the plans. A lack of spaces will negatively impact the residents as it has been an issue historically.
- Some residents park to the rear of their properties and access was often compromised.
- Increased traffic movements on the unadopted road, used to access Enterprise Works from Long Lane,
- Increase the risk for the pedestrians who access Honey Head as there are no road markings, no light and only a short pavement for use at the side of Spinnergate. Increased vehicle movements will also increase

risk of vehicle impact for the residents who access the rear of their properties.

- There is no room for 16 car parking spaces. For a commercial venture this could potentially mean up to 100 cars a day up and down an unpaved, unadopted road, with associated noise and disturbance
- Impact for parking outside nearby residents dwellings / access issues to the rear of properties.

Residential Amenity:

- The proposed use will amend the current working hours of the building. This will impact upon the local residents with cricket nets being loud repetitive noise throughout the days and into the evenings.
- The elevation facing numbers 16-30 Long Lane will have poor sound insulation due to the number of windows
- Historically the building has been used for businesses who generally only operated in daytime working hours meaning that noise nuisance was tolerable.
- The proposed hours are the times when residents are relaxing, using their gardens, putting children to bed, some of the residents may be in bed before that time.
- Intrusion of privacy.
- Due to works proximity to housing there have been lots of issues over the year with works and worker noise and times of the week, music, smoking locations, overly bright lights, parking, deliveries and drop-offs.
- The noise from people shouting and the noise of balls striking walls, windows and the roof would be heard inside properties and the light pollution would shine directly into properties.
- Right to quiet enjoyment on evenings and weekends would be severely compromised.

Land Ownership:

- The application location plan covers land which is not within applicant's ownership and is used by the neighbouring commercial property. Effectively this reduces the parking provision by six car parking spaces. The land within the applicant's ownership only has parking for 10 cars.

- Plans seem to cover park of land on access path at rear of properties.

Other Matters:

- There exists a long-established pedestrian cut through between Honley Head Lane and the road adjacent to Enterprise Works. It is not clear whether or not this access is to be retained.
- What is to happen to the remainder of the commercial space and where are the occupants of the other unit to park their vehicles and receive deliveries along with turning areas for deliveries.
- Can the planners advise what the new mezzanine will be used for when there are already areas on the ground floor currently marked as unused space?
- Concerns regarding devaluation that would affect properties.
- Drainage concerns.

Consultations.

KC Highways Development Management (formal & informal) – no objection to these proposals with a condition regarding the parking areas to be laid out / marked out into bays as shown on the submitted 'Existing and Proposed Site Plan' drawing (Dwg No. 05).

KC Environmental Health (formal) – **No objections subject to conditions**

Noise: KC Environmental Health identify that noise from ball strikes has the potential to affect the amenity of neighbouring properties, in particular, the rear of the properties on Long Lane. They set out that no detail is given on any mitigation measures to prevent noise breakout from the windows to that façade nor the roof and no detail is provided on heating/ventilating the space and whether any mechanical plant will be required. A condition is recommended for a Noise Impact Assessment to be submitted which should cover any operational use and also a condition is recommended restricting the hours of use.

Electric Vehicle Charging Points are recommended to be required by condition by KC Environmental Health within their response.

Policies / 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) and Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity. The site is in an area identified as having potential for land contamination.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP13 – Town Centres
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP47 – Healthy, Active and Safe Lifestyles
- LP50 – Sport and physical activity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and unstable land

Supplementary Planning Documents:

- Highways Design Guide SPD (2019)

Holme Valley Neighbourhood Development Plan:

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

The site falls within Local Characteristic Area 6 – Honley Village Centre.

Key landscape characteristics of LCA6 are:

- Wooded valleys associated with Mag Brook and Magdale.
- Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.

Key built characteristics of LCA6 are:

- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.

- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver's cottages with rows of mullioned windows are found throughout area.
- Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- Policy 1 – Protecting and enhancing the landscape character of Holme Valley
- Policy 2 – Protecting and enhancing the built character of the Holme Valley and promoting high quality design
- Policy 9 – Protecting and enhancing local community facilities
- Policy 12 – Promoting sustainability

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 2024, together with Circulars, Parliamentary 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 7 – Ensuring the Vitality of Town Centres
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment.

1) Principle of Development

Sustainable Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes onto further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

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

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

Town Centre Use

This application is for the change of use of Enterprise Works, previously operating as furniture manufacturing (use classes B2 / B8 – General Industry / Storage and Distribution) to an indoor cricket centre (Use Class E (d) – indoor sport and recreation).

The application site is located approximately 500 metres from the nearest centre, namely Honley District Centre.

Indoor sport and recreation uses are defined as a main town centre use in the National Planning Policy Framework (NPPF); therefore, this site has to be assessed against Policy LP13 in the Kirklees Local Plan.

Policy LP13 states that the role and function of District Centres like Honley is to provide a range of shopping for everyday needs and serving specialist markets and to be a local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities and health services. With the proposed use being a leisure use, it is considered that it would be an appropriate use in Honley District Centre.

Part B of Policy LP13 states that proposals which come forward for main town centre uses which are located outside of the defined centre boundaries will require the submission of a Sequential Test. Main town centre uses shall first be located in the defined centres, then edge of centre locations and only if there are no suitable sites shall out of centre locations be considered.

Paragraph 9.12 in the Kirklees Local Plan advises that sequential tests shall provide the following information:

- The business model for the development

- An appropriate catchment that the business would seek to serve in accordance with the Shopping Centre Hierarchy Table
- An appropriate audit trail of any subsequentially preferable sites that have been discounted within a robust justification.

The submitted sequential test sets out the requirements for the proposal, including:

- A building of around 500m². The size requirement cannot be split into smaller components as three cricket practice lanes have to be next to each other for practical purposes.
- Parking for visitors as most users would arrive in a car to allow for the transportation of equipment.

The submitted sequential test has been carried out on the two nearest town centres, Honley and Holmfirth, including an appropriate online and on-site audit trail of sites within the centres which have been discounted. No properties were found that would be suitable for the proposed cricket training facility.

The sequential test concludes that there are no suitable premises in Honley town centre or Holmfirth centre and that, therefore, the sequential test is passed. Officers accept the conclusions of the submitted sequential test, that there are no alternative premises within a sequentially preferable location that could accommodate the proposed use.

Given the proposed use of the site as an indoor cricket centre, officers also conclude that the proposed change of use would not detrimentally impact upon the vitality and / or viability of nearby centres. It is noted that, upon any grant of permission, a restrictive planning condition will be included, that will prevent changes of use of the site to other uses within Use Class E. This is because, without such a condition, the site could be changed to other uses within Use Class E (such as retail and other leisure uses), which could undermine the vitality and viability of nearby defined centres. Furthermore, the extent of the sequential assessment is on the basis of the proposed use and requirements specific to the development proposal the subject of this application.

Policy LP50 states that support will be given to proposals which expand and enhance the range of indoor leisure facilities on offer in the district provided this does not conflict with other Local Plan policies. Part of policy LP47 seeks to ensure proposals facilitate access to a range of high quality, well maintained and accessible open spaces and play, sports, leisure and cultural facilities. It has already been established that the proposal is within the definition of town centre uses and the relevant assessment regarding town centre uses is set out above.

This conclusion is made on the basis of the specific use which is proposed, and it is recommended to include a restrictive condition preventing other uses

within Use Class E being undertaken. On the basis of the inclusion of the recommended condition the proposal is considered acceptable in principle.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12.

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...'

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment, in this case Local Characteristic Area 6 – Honley Village Centre.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

No external alterations are proposed to the building of Enterprise Works as part of the proposal to change the use of the building to an indoor cricket centre. As such, visually, the proposals are not considered to impact upon the character and or setting of the building, both within its immediate context and when viewed within the wider street scene. As such, the proposals are considered to appropriately comply with Policy LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and the aims of Chapter 12 of the NPPF.

3) 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.

Policy 2 of the Holme Valley Neighbourhood Development Plan states that *'designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties.'*

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.

No external alterations are proposed to the building of Enterprise Works as part of the proposal to change the use of the building to an indoor cricket centre. As such, it is not considered that the proposals would give rise to any increased impacts of overbearing, overshadowing or overlooking towards neighbouring properties.

Upon formal consultation with KC Environmental Health, they set out that noise from ball strikes is a matter which would need to be accounted for. They set out such noise impact, without control / restrictions could affect the amenity of neighbouring properties, in particular, the rear of the properties on Long Lane.

No details have been provided as part of the submission of this application regarding mitigation measures to prevent noise breakout and / or heating / ventilation measures in terms of whether any mechanical plant will be required. Given that no details have been submitted regarding these elements of potential noise pollution, upon any grant of approval, a condition shall be imposed for a Noise Impact Assessment to be submitted prior to construction work commences. This condition is to be imposed to ensure that the development does not cause harmful noise pollution within neighbouring noise sensitive locations.

In addition, upon any grant of planning permission, a condition shall also be imposed to state that, the premises shall not be open for businesses (including deliveries to or dispatches from the premises) outside the hours of 16:00-21:00 Monday to Friday and 10:00-16:00 Saturdays, with no activities to take place on Sundays.

The site benefits from lawful use for general industrial / storage and distribution purposes which could take place in any event and potentially on a 24 hour basis. Weighing up the concerns raised in third party representations relating to noise impact of the development, the response of the Environmental Health Team and the existing operation(s) which can lawfully take place at the site it is considered that on the basis of inclusion of the aforementioned conditions related to noise pollution, the change of use would comply with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the NPPF.

4) 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 Highways Design Guide SPD, which seeks to ensure acceptable levels of off-street parking, is also relevant.

As part of the determination of this application, both formal and informal consultations were undertaken with KC Highways Development Management.

This application seeks approval to the change of use and alterations to convert an existing building from furniture manufacturing to indoor cricket centre at Enterprise Works, Long Lane, Honley, Holmfirth.

The application site is located to the rear of 14 to 34 Long Lane. The access is via an existing unadopted road off Long Lane. This access serves the application site (Enterprise Works) and adjacent buildings, Enterprise Print, and the rear access to 14 to 34 Long Lane.

The plans show 3 cricket pitches, toilets, changing rooms, store, reception, unused rooms and a mezzanine. As part of this application, a Highways Statement was submitted, which provides the following information:

- The cricket centre has proposed 3 cricket lanes which allows 3 people per lane, therefore, a total of 9 people at anyone time using the lanes.
- There will be 2 coaches which will supervise each 2-hour session.
- The opening hours will allow for junior cricket after school and adult cricket later. Junior cricketers will arrive by bus and / or be dropped off by parents.
- Children attending will be over 14 years old.
- Enterprise Print have two vans, and the opening hours will not conflict with their operation.
- The parking and access to the residential properties will not be comprised as there is sufficient parking and turning to serve the use of the cricket centre.
- The mezzanine floor is for viewing and will hold approximately 4 people which will be mainly used by the coaches and parents.

In addition to the above, the planning agent clarified the following via email communication:

- The side access and rear area of the site are not required as part of the application.

- The remaining buildings on the site will have secure parking to the yard at the rear.
- Access will remain to the rear of the properties and site.

Within consultation responses provided by the Highways Team dated 13/11/24 and 4/2/25 the Highways Team sought further information to be provided. Within the latest response they sought further information relating to side entrances, specifically stating the following:

'Whilst the Highways Statement satisfactorily addresses most of the issues raised no information is provided regarding the parking requirements for the buildings to the side and rear of Enterprise Works.'

The applicants' agent confirmed by email dated 6th February 25 that the side access and rear area of the site is not required as part of the application and that the remaining buildings on the site will have secure parking to the yard at the rear.

Following receipt of this confirmation provided within the 6th February email, the Highways Team confirmed that they have no objection to the proposed development on the basis that a condition is included which requires that the proposed 16 off-street parking spaces shown on the proposed site layout are laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority. Given the scale of the development and level of information which has been provided it is considered that subject to the requirement of this condition to be complied with, further detail is not necessary in this case and this condition can be appropriately worded to ensure the provision of the parking spaces prior to the use taking place.

Concerns are raised about the scheme in third party representations which have been received, the content of the submitted detail, the response of the Highways Team and the content of third party representations are weighed up in the consideration of this application.

In this case, weight can also be afforded to the established use (B2 / B8) which can take place and there is potential such use could be over a more prolonged period and on a more intensive basis than has previously been undertaken.

Therefore it is considered that, weighing up the relevant applicable considerations in relation to access and highway safety / vehicular parking it is concluded that on the basis of the above, with the inclusion of the aforementioned condition, the proposals comply with Policies LP21 and LP22 of the Kirklees Local Plan.

5) 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.

As part of this application, a Climate Change Statement was submitted which sets out various mitigation measures. Considering that the proposal is for the change of use of an existing building, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan.

6) Representations

In response to publicity, four general comments were received, and nine objections were received.

The representations raised the following, summarised, concerns which are set out below, accompanied by an officer response.

Highway Safety:

- There's know where for parking. It will become a nightmare for local residents.
- Having looked at the plans, I'm not sure where the 16 parking spaces are. This is seriously going to affect the amount of traffic and parking.
- The proposed use will increase the vehicle movements significantly within peak times when these facilities are used to around 20 vehicle movements per hour and potentially 100 vehicle movements per day. The parking provision for this use is way under the required amount for a leisure facility which will result in cars being parked on Long Lane which already has a large number of residents cars parked along this stretch and don't think has the capacity for further cars without affecting residents.
- There are not 16 parking spaces allocated to the property as per the plans. A lack of spaces will negatively impact the residents as it has

been an issue historically. Some residents park to the rear of their properties and access was often compromised, can only imagine this will be worse.

- Increased traffic movements on the unadopted road, used to access Enterprise Works from Long Lane, will only increase the risk for the pedestrians who access Honey Head as there are no road markings, no light and only a short pavement for use at the side of Spinnergate. Increased vehicle movements will also increase risk of vehicle impact for the residents who access the rear of their properties.
- There is no room for 16 car parking spaces. For a commercial venture this could potentially mean up to 100 cars a day up and down an unpaved, unadopted road, the noise from which would create havoc and leave residents with no parking outside their own homes and cause access issues to the rear of properties.

Officer Response: *As part of the determination of this application, both formal and informal consultations were undertaken with KC Highways Development Management. Upon the submission of further information and clarification from the planning agent, KC Highways Development Management officers confirmed that they had no objection to the proposals for an indoor cricket centre, with the inclusion of a condition regarding the parking areas to be laid out / marked out into bays as shown on the submitted 'Existing and Proposed Site Plan' drawing (Dwg No. 05) prior to the development been brought into use. This is assessed in depth within assessment section 4 of this officer's report, 'Impact on Highway Safety'.*

Residential Amenity:

- The proposed use will amend the current working hours of the building. This will have a huge negative affect on the local residents with cricket nets being loud repetitive noise throughout the days and into the evenings. The elevation facing numbers 16-30 Long Lane will have poor sound insulation due to the number of windows and will no doubt be able to hear the bang of cricket ball hitting the cricket bat long into the evening inside and outside of their dwelling.
- Historically the building has been used for businesses who generally only operated in normal working hours meaning that noise nuisance was tolerable. The proposed hours are the times when residents are relaxing, using their gardens, putting children to bed, some of the residents may be in bed before that time. This could well have a negative impact on the value of the houses as well as noise nuisance as there is no mention of any soundproofing to reduce noise nuisance for the residents.
- Intrusion of privacy.

- Due to works proximity to housing there have been lots of issues over the year with works and worker noise and times of the week, music, smoking locations, overly bright lights, parking, deliveries and drop-offs.
- The noise from people shouting and the noise of balls striking walls, windows and the roof would be heard inside properties and the light pollution would shine directly into properties.
- Right to quiet enjoyment on evenings and weekends would be severely compromised.

Officer Response: *As part of the determination of this application, a formal consultation was undertaken with KC Environmental Health. It was concluded that, the proposal for an indoor cricket centre could be acceptable, with the inclusion of a pre-commencement condition regarding the submission of a noise impact assessment and a condition to restrict the opening hours.*

The proposals full impact on residential amenity has been assessed in depth within assessment section 3 of this officer's report, 'Impact on Residential Amenity'. This section concluded that with the inclusion of the aforementioned conditions related to noise pollution, the change of use would have an appropriate impact upon residential amenity.

Land Ownership:

- The application location plan covers land which is not within applicant's ownership and is used by the neighbouring commercial property. Effectively this reduces the parking provision by six car parking spaces. The land within the applicant's ownership only has parking for 10 cars.
- Plans seem to cover part of land on access path at rear of properties.

Officer Response: *Upon any grant of approval, an informative note shall be included on the decision notice, which states: 'Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership'.*

Other Matters:

- There exists a long-established pedestrian cut through between Honley Head Lane and the road adjacent to Enterprise Works. It is not clear whether or not this access is to be retained.

Officer Response: *The Council's GIS mapping system does not show any public right of way (bridleways, byways, footpaths) to be located through the site from the road adjacent to Enterprise Works through to Honley Head Lane.*

- What is to happen to the remainder of the commercial space and where are the occupants of the other unit to park their vehicles and receive deliveries along with turning areas for deliveries.

Officer Response: *KC Highways Development Management have assessed the proposal, giving consideration to the occupants of the other unit and their vehicular requirements. KC Highways Development overall concluded the proposals to be acceptable, with the inclusion of one condition regarding the parking areas to be laid out / marked out into bays.*

- Can the planners advise what the new mezzanine will be used for when there are already areas on the ground floor currently marked as unused space?

Officer Response: *The submitted Highways Statement sets out that the new mezzanine will be used for viewing and will hold approximately 4 people, which will be mainly used by the coaches and parents.*

- Concerns regarding devaluation that would affect properties.

Officer Response: *The devaluation of surrounding properties is not considered to be a material planning consideration in the assessment and / or determination of this planning application.*

- Drainage concerns.

Officer Response: *Based on an assessment of the site using the Council's GIS mapping system and in light of the description of proposal, the change of use of an existing building, officers see no reason to raise concerns with regards to matters relating to drainage.*

7) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation – Delegated Powers
Application Number: 2024/92819
Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP13, LP20, LP21, LP22, LP24, LP47 & LP51 of the Kirklees Local Plan, Policies 1, 2, 9 & 12 of the Holme Valley Neighbourhood Development Plan and Chapters 2, 4, 7, 8, 9, 12, 14 & 15 of the National Planning Policy Framework.

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the use of the building shaded grey and annotated 'Indoor Cricket' on the submitted drawing titled 'Location Plan' shall be restricted to an indoor sport & recreation (cricket coaching facility) use falling with Class e(d) of Part A of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order) only.

Reason: For the avoidance of doubt as to what is being permitted and to protect the vitality and viability of nearby centres and to accord with policies LP8 & LP13 of the Kirklees Local Plan, as well as policies contained within Chapter 7 of the National Planning Policy Framework.

4. The development shall not be brought into use until a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies

LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

5. The premises, shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 16:00hrs to 21:00hrs Monday to Friday and 10:00hrs to 16:00hrs Saturdays. No activities shall take place on Sundays.

Reason: To ensure that the proposed use 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.

6. The development shall not be brought into use until a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.

The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

7. The development hereby approved shall not be brought into use until the vehicular parking areas have been laid out and marked out into bays in accordance with the details shown on the submitted drawing titled 'Existing and Proposed Site Plan' ref 05. The vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The development shall not be brought into use until the works required by this condition have been completed, which shall be retained thereafter.

Reason: In the interests of highways safety and to comply with the aims and objectives of Policy LP22 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07:30 to 18:30 hours Monday to Fridays
- 08:00 to 13:00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	-	-	02.10.2024
Existing and	05	-	02.10.2024

Proposed Site Plan			
Existing Floor Plan	01	-	02.10.2024
Proposed Ground Floor and Mezzanine Floor Plans	03	-	02.10.2024
Existing Elevations	02	-	02.10.2024
Proposed Elevations	04	-	02.10.2024
Climate Change Statement	-	-	03.10.2024
Highway Statement	-	-	21.11.2024

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.

As a result of the consultation responses from KC Highways Development Management, a 'Highway Statement' was submitted and the planning agent confirmed via email that the side access and rear area of the site are not required as part of the application and that the remaining buildings on site will have secure parking to the yard at the rear.

Report Dated: 19.03.2025