

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2024/44/92857/W
Site Address:	Carters Barn, Hollins Lane, Slaithwaite, Huddersfield, HD7 5JE
Description:	Discharge of details reserved by condition 2 (access and parking) on previous permission 2024/91244 for part change of use of dwelling to convert bedroom into gymnasium to facilitate personal training sessions
Recommending Officer:	Molly Storer

DECISION – DISCHARGE OF CONDITION – REFUSED

I hereby authorise the refusal 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: 02-Dec-2024

Carters Barn, Hollins Lane, Slaithwaite, Huddersfield, HD7 5JE

The application seeks to discharge details reserved by condition 2 (access and parking) on previous permission 2024/91244 for part change of use of dwelling to convert bedroom into gymnasium to facilitate personal training sessions.

Condition 2 – Access and parking

Within two months of the date of this decision, a scheme shall be submitted to the Local Planning Authority which details the following: a) access and associated parking to the site to be used by all non resident visitors utilising the gym training facilities; b) surfacing to the access and parking area d) areas dedicated for parking for use of the gym training facilities by visitors; e) a management plan to ensure access by non resident users of the gym training facilities is via that as permitted by part a of this condition and f) signage to ensure access is taken in accordance with that as permitted by parts a and c of this condition. The approved scheme shall be completed within one months of the issuing of the written approval of the scheme by the Local Planning Authority and thereafter retained.

Reason: *To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise, nuisance or disturbance within a private domestic area, to accord with the Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

Assessment:

The supporting information submitted by the applicant, including:

- Directions and parking instructions.
- A site layout plan

This condition is in place to ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise, nuisance or disturbance within a private domestic area.

The officer report states that:

The agent, in their statement, confirmed that application 2021/92403 at the site included a separate driveway to the east/southeast of the Barn which could provide sufficient access and parking for any visiting vehicles and to avoid use of the more private shared area outside the northwest elevation.'

Condition 2 was required to ensure the access to the gym to be across the site in the location as already approved by the 2021/92403 permission, and that it is used by those visitors using the gym as this would remove noise and nuisance from sensitive receptors at the northwest elevation of the neighbour.

However, plans submitted as part of this application do not show this access to be in place and instead show the main access to still be to the south east and north west of the site. It is considered that this will have a harmful residential impact as previously set out in the officer report and which was the reason for the inclusion of condition no.2 of the permission. Access arrangements previously indicated to be utilised, to the north east of the site and which would have a lesser impact in this regard are considered to be an alternative arrangement which would have an acceptable impact with regard to the reason for condition no.2.

Taking account of this assessment of the details submitted as part of this application to address condition no.2 in relation to residential amenity, it is considered that condition 2 cannot be discharged at this time.

Decision Notice Text

I refer to the above reference discharge of conditions application and can confirm the following: -

Condition 2 – Access and parking

You have submitted the following information:

- Directions and parking instructions.
- A site layout plan

Condition 2 cannot be discharged at this time as the submitted scheme sets out an access to the site located to the south east and north west of the site. The proposed access would have a harmful impact upon residential amenity of neighbouring occupiers contrary to the reason for the condition and in particular as a result of associated noise, nuisance / disturbance within a private domestic area, contrary to policies LP24 and LP52 of the Kirklees Local Plan.