

**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 APPROVED

I hereby authorise the approval of the further submitted scheme in relation to 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: 21-Jan-2025

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:

It is noted that the original scheme showed the main access to still be to the south east and north west of the site. It was considered that this would still have a harmful residential impact as previously set out in the officer report on application number 2024/91244 and which was the reason for the inclusion of condition no.2 of the permission.

As a result on 2nd December a letter was sent to the applicant, advising the condition could not be discharged. Within the letter it was advised that further information could be assessed within the scope of this application, which has now been submitted.

Subsequent to the 2nd December letter, additional plans have been submitted which show access to now be to the south and south east of the site, on the applicant land rather than around the neighbouring property.

The supporting information submitted by the applicant relates to the following:

- Site layout plan ref 01revA received
- Plan showing garage and drive surfacing for garage and client parking
- Guidance on the permeable surfacing of front gardens document
- Management plan
- Plan showing signage location

- Picture of original driveway to Carters Barn.

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.

The new scheme which has been submitted shows a separate driveway to the east/southeast of the Barn to avoid visitors to the gym having to access the site around the neighbouring property. It is considered that using the access as set out in drawing 01RevA would ensure there was not a significant degree of noise and nuisance to sensitive receptors at the northwest elevation of the neighbour. This is considered to be sufficient information to address part a (access and associated parking to the site to be used by all non-resident visitors utilising the gym training facilities) and part d (areas dedicated for parking for use of the gym training facilities by visitors).

With regards to part b (details of surfacing to the access and parking area) the submitted plan shows that the turning area/Personal Training Client Parking area (bordered orange on the attached plan) will be surfaced in gravel, using a plastic reinforcement system, in accordance with section 3 page 12 of [Guidance on the permeable surfacing of front gardens](#) Ref: ISBN 9781409804864 Reinforced Gravel. The drive/access to the parking area (bordered green on the attached plan) will be surfaced using wheel tracks – two concrete strips, in accordance with section 3 page 11 of [Guidance on the permeable surfacing of front gardens](#) Ref: ISBN 9781409804864 Wheel Tracks. This is considered to be in keeping with the original drive to the rear of Carters Barn/Farm as shown on the photo provided. This is therefore considered acceptable.

Part e of the condition requires 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. The submitted management plan shows the access route the guests will be required to take to access the gym training facilities. It also states that 'To ensure that this access route and parking area is used, all personal training clients (new and existing), will be issued with written instructions on how to access the property which will include photographs

showing where the entrance to the access/drive is, and where to park, to ensure that all clients only use this permitted access only.' This is considered to be acceptable.

With regard to part f (signage to ensure access is taken in accordance with that as permitted by parts a and c of this condition) a plan had been submitted to show that there will be clear signage directing clients to the parking area which will be placed at the entrance to the drive/access to the parking area – location marked with a green cross/annotated on the plan. Signage will state “Parking for Personal Training Clients ” with the arrow directing them to the right, into the drive/access to parking area. There will also be a “Personal Training Client Parking” sign in front of the parking space – location marked with a green cross/annotated on the plan. This is also considered acceptable

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 can be discharged. The submitted scheme is concluded as ensuring the impact upon residential amenity of neighbouring occupiers is acceptable complying with policies LP24 and LP52 of the Kirklees Local Plan. Condition 2 is therefore recommended to be discharged.

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:

- site layout plan ref 01revA received
- Plan showing garage and drive surfacing for garage and client parking
- Guidance on the permeable surfacing of front gardens document
- Management plan
- Plan showing signage location
- Picture of original driveway to Carters Barn.

The submitted scheme is considered acceptable and condition 2 is discharged on the basis of this scheme. It is a requirement of this condition that the approved scheme shall be completed within one month of the issuing of the written approval of the scheme by the Local Planning Authority and thereafter retained.

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.