

**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:	<b>2024/62/93069/W</b>
Site Address:	175-177, Lockwood Road, Lockwood, Huddersfield, HD1 3TG
Description:	Change of use from class E to class F1 for private tuition
Recommending Officer:	Molly Storer

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 08 January 2024

## **Officer Report**

### **Site Description**

The site relates to 175-177 Lockwood Road, a former blind shop located in the area of Lockwood, Huddersfield. The building has two storeys and is constructed in stone and render. There is no on-site parking available as the property is situated and accessed from the pavement to the front.

The site is located within a Priority Employment Area on the Kirklees Local Plan and the surrounding area is a mixed use area, consisting of residential and commercial uses. Lastly, the site is also within Flood Zone 3a on the Council's internal mapping system (but within flood zone 2 on the Environment Agency's flood maps).

### **Description of Proposal**

Planning permission is sought to change the use of the building from its last use as a blind shop (Class E of the Use Classes Order) to use for private tuition as defined by Class F1(a).

The applicant has indicated that teaching will take place between 12pm and 8pm Monday – Friday, between 9am and 1pm on Saturdays and will be closed on Sundays.

The site will operate with a receptionist to ensure that children are able to access the building safely. Once entered they will complete their Maths and English worksheets and be in the class for the duration of 30 minutes to 1 hour. Upon leaving the children will be signed out and collected by their parents.

### **History of negotiations/amendments received**

Discussions with the applicant resulted in the submission of further information about their proposal. This extra information included opening times, justification for the change of use and number of staff on site.

### **Relevant Planning History**

2004/94606 – Alterations to shop front and installation of roller shutters – Conditional Full Permission.

2006/93334 – Installation of 2 windows and door opening with glazed screen – Conditional Full Permission.

### **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015). The application has been publicised by neighbour notification letter.

Final publicity date expired: 11<sup>th</sup> December 2024.

No representations were received.

## **Consultation Responses**

KC Highways (DM):- No objection in principle but the red line boundary will need to be extended to include the land to the side of the property and access to the adopted highway.

KC Environmental Health:- No objections.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

## **Policy**

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 27<sup>th</sup> February 2019).

The site is allocated as a Priority Employment Area on the Kirklees Local Plan and the site is also within Flood Zone 3a on the Council's internal mapping system (but within flood zone 2 on the Environment Agency's flood maps).

### **Kirklees Local Plan (2019):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP8 - Safeguarding employment land and premises
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- 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 2024, the Planning Practice Guidance Suite (PPGS) first

launched 6<sup>th</sup> 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 8 – Promoting healthy and safe communities
- 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

### **Legislation:**

- The Town & Country Planning Act 1990 (as amended).

### **Assessment**

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

#### **1. Principle of 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 on to 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”.

The development is for the use of the building as private tuition centre.

### Priority Employment Area:

The site is situated within a Priority Employment Area on the Kirklees Local plan, and therefore the proposal has to be considered against Policy LP8 of the Kirklees Local Plan.

Policy LP8 states that Proposals for development or re-development for employment generating uses in Priority Employment Areas will be supported where there is no conflict with the established employment uses in the area.

The site was previously a blind shop, while this doesn't specifically fall within the specific bullet pointed B Use Classes it would be classified as an enterprise which provides jobs. Whilst this would be lost it is considered that a tuition centre could also be classified as an enterprise which provided jobs meaning as it would not result in the loss of an employment generating use.

Having taken into account the above, the principle of development has been considered acceptable and therefore the other material planning considerations will be assessed in turn below.

## **2. Impact on visual amenity**

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: ‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’.

Whilst within close proximity to a Grade II listed building (to the southeast), as no external works are proposed it is also considered that the proposal would not affect the significance of this building, hence why officers decided to not to advertise the application by site notice and press notice.

In summary therefore, it has been concluded that the proposals would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapter 12 of the NPPF and Policies LP1, LP2 and LP24 of the Kirklees Local Plan.

### **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.*”

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 198 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact 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.

The site is within a priority employment area and is surrounded/adjoining other business uses such as a primary school and a Mill. Alongside the commercial units, there are also a few residential properties adjacent to the west, that could be impacted by the proposed use, as could the adjacent commercial uses and school.

In this case, Officers have noted that the proposed use and its associated hours, would have limited impact upon the neighbouring commercial uses. Given the location of the site and the residential properties being located over 20m away it was not considered necessary to impose any specific conditions regarding the hours of use. K.C. Environmental Health were formally consulted and reviewed the application and supporting documents and do not consider there to be any significant Environmental Health impacts with this development. Therefore, they had no objections to this change of use or any recommended conditions.

It is also considered the proposal would not lead to a significant level of overlooking to neighbouring occupiers over and above that which exists already and refusal on such a basis could not be substantiated in this case.

For these reasons, the proposal is considered to have an acceptable impact in regard to residential amenity, and subject to condition would accord with Chapters 12 & 15 of the NPPF and Policies LP24 & LP52 of the Kirklees Local Plan.

### **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 Highway Design Guide, which seeks to ensure acceptable levels of off-street parking are retained, is also considered to be of relevance.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management, which notes they have no objection in principle but the red line boundary needs to be extended to include the land to the side of the property and access to the adopted highway.

It has since been discovered that the property does not currently benefit from any associated 'off-street' parking facilities itself as there is uncertainty over the land to the side of the building and none could reasonably be provided given location of the application site and the red line boundary being exclusively around the building.

However, the applicant has indicated on the planning statement that the property is easily accessible by public transport and will have a limited number of students and staff at any one time. This will include up to 25 students and 3-4 staff. This could be controlled by condition.

Furthermore, although not directly in the Town Centre, the premises occupy a sustainable edge of Town Centre location where they are readily accessible by a variety of means of transport in addition to a large availability of unrestricted on-street parking to the side and rear of the site.

Taking account of the existing use which can take place in any event, and location, it is considered the proposal would have an acceptable impact upon access and highway safety and provides suitable levels of parking.

Therefore, with the inclusion of the aforementioned condition, it is considered that the proposal would appropriately accord with Chapter 9 of the NPPF and 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.

Considering the small-scale of the proposed development, 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 and Policy LP51 of the Kirklees Local Plan.

### Flood Risk:

The site is within Flood Zone 3a on the Council's internal mapping system. However, on the Environment Agency's flood map the majority of the site is outside of the flood zone with a small section to the south being within flood zone 2.

Paragraph 176 of the NPPF states that "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote 63'

Footnote 63 sets out the following: "A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use."

In this instance, the development is considered to be a minor change of use therefore under Footnote 56, the Sequential and Exception Tests do not need to be applied. Furthermore, the land has been assessed and it is stated that 'ignoring the presence of flood defences, 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.'

In this instance, there are no proposed changes to the building and it has been noted that the floor levels would be no lower than the existing building. The use as previously mentioned would also fall under the less vulnerable category and therefore on balance, Officers do not consider the development to increase the risk of flooding.

Given the nature and type of the proposal, consultation with the EA is not required and it is subject to their Standing Advice.

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:** 2024/93069

**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 with Policies LP1, LP2, LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and Chapters 2, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the ground floor of the building shall be used solely for purposes defined by Class F1(a) of that Order, and for no other purpose whatsoever.

**Reason:** To accord with the terms of the application, and in the interests of highway safety, in accordance with Policies LP 21 and LP 24 of the Kirklees Local Plan.

4. The use hereby approved shall be carried out in accordance with the Planning Statement and Extra Information received on 10<sup>th</sup> December 2024 with specific reference to the number of pupils, staff and hours of use.

**Reason:** In the interest of highway safety and to accord with Policy LP 21 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PP-13494811v1	-	28/10/2024
Extra information	-	-	10/12/2024
Planning statement	-	-	10/12/2024
Application form	-	-	28/10/2024

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Discussions with the applicant resulted in the submission of further information about their proposal. This extra information

included opening times, justification for the change of use and number of staff on site.

**Report Dated:**

6<sup>th</sup> January 2025