

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	2025/70/93286/W
Site Address:	Holmfirth Tech, 142 , Huddersfield Road, Holmfirth, HD9 3AR
Description:	Variation of condition 4a (opening hours) and removal of condition 4b (opening hours) on previous permission 2024/91458 for variation of conditions 2 (Car Park Management Plan), 4 (opening hours), 6 (Sustainable Travel Statement) and removal of condition 7 (car park re-surfacing) on previous permission 2023/93106 for change of use of adult education centre (Class F1(a)) to mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b) (part retrospective) (Listed Building within a Conservation Area)
Recommending Officer:	Danielle Cooper

DECISION – VARIATION OF CONDITION APPROVED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 29-Jan-2026

Officer Report

Site Description

Holmfirth Tech, 142, Huddersfield Road, Holmfirth, HD9 3AR

The application site relates to an existing substantial two-storey stone built building with accommodation also provided within the basement. The building is in Jacobean Gothic Style with pitched faced coursed stone and ashlar dressings. The building is located on the corner of the A6024 Huddersfield Road and Bridge Lane, with access to the site available via a narrow driveway between the north elevation of the building and the adjacent row of terrace properties (nos. 142-150 Huddersfield Road). The driveway leads to a small car park to the rear of the building.

The site is located approximately 30m from the Holmfirth Town Centre boundary.

To the north and south-west are residential dwellings, to the east adjoining the site is a commercial property and to the south is Holmfirth Fire Station.

The site is located within Holmfirth Conservation Area and relates to and is adjacent to Grade II Listed Buildings.

Description of Proposal

The application seeks consent for the variation of condition 4a (opening hours) and removal of condition 4b (opening hours) on previous permission 2024/91458 for variation of conditions 2 (Car Park Management Plan), 4 (opening hours), 6 (Sustainable Travel Statement) and removal of condition 7 (car park re-surfacing) on previous permission 2023/93106 for change of use of adult education centre (Class F1(a)) to mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b) (part retrospective) (Listed Building within a Conservation Area)

Condition 4a & 4b of application 2024/91458 states the following:

‘4a. Except for the circumstances referred to in condition 4b, the use hereby permitted shall not be open to customers outside the hours of:

Monday to Saturday: 08:30 – 21:00

Sunday and Bank Holidays: 09:00-17:00

Reason: In the interests of preventing loss of amenity to adjacent residential properties arising from noise and nuisance disturbance and to accord with the aims 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 National Planning Policy Framework.’

‘4b. Notwithstanding the requirements of condition 4a, for a twelve-month trial period from the date of this decision, the use hereby permitted shall not be open to customers outside the following hours:

Monday to Thursday: 08:30-21:00

Friday and Saturday: 08:30-23:00

Sunday and Bank Holidays: 09:00-17:00

At the end of the twelve-month trial period the hours of use shall be in accordance with those set out within condition 4a.

Reason: To allow the impacts of the variation in hours to be assessed during this period in the interests of preventing the loss of amenity to adjacent residential properties arising from noise disturbance and to accord with the aims 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 National Planning Policy Framework.’

The applicant seeks to alter the wording of condition 4a to state:

‘The use hereby permitted shall not open to customers outside of the hours:

Monday to Thursday: 0830 – 2100

Fridays and Saturdays: 0830 – 2300

Sundays and Bank Holidays: 0900 – 1700

Reason: *In the interests of preventing loss of amenity to adjacent residential properties arising from noise and nuisance disturbance and to accord with the aims 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 National Planning Policy Framework.’*

The applicant also seeks to remove condition 4b.

Under the previous approved variation of condition planning application (ref:2024/91458), it was agreed that the hours of use could be extended under a 12-month trial period to allow the impacts of the variation in hours to be assessed during this period in the interests of preventing the loss of amenity to adjacent residential properties arising from noise disturbance and to accord with the aims 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 National Planning Policy Framework.

Relevant Planning History

Planning Applications

2024/9145 - Variation of conditions 2 (Car Park Management Plan), 4 (opening hours) and 6 (Sustainable Travel Statement) and removal of condition 7 (car park re-surfacing) on previous permission 2023/93106 for

change of use of Adult Education Centre (Class F1(a)) to a mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b) (part retrospective) (Listed Building within a Conservation Area) – Approved 18th December 2024.

2024/91391 - Discharge conditions 3 (parking), 5 (bins) on previous permission 2023/93106 for change of use of adult education centre (Class F1(a)) to a mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b) (part retrospective) (Listed Building within a Conservation Area) – Approved 9th October 2024

2023/93106 – Change of use of Adult Education Centre (Class F1(a)) to a mixed-use community facility to include use Classes E(a) to E(g)(i), F1(a), F1(e) and F2(b) (part retrospective)(Listed Building within a Conservation Area). Approved 2nd February 2024.

2004/90020 – Erection of store and installation of air conditioning condensers (within a Conservation Area). Approved 24th February 2004.

2003/94709 – Erection of prefabricated store and installation of air condensers (within a Conservation Area). Withdrawn 22nd December 2003.

2000/92611 – Formation of new access ramp (within a Conservation Area). Approved 31st October 2000.

Pre-Planning Applications

2018/20058 – Pre application for change of use. Comments made 9th March 2018.

Enforcement

COMP/24/0241 – Breach of condition 5 of planning permission 2023/93106.

COMP/24/0197 – Breach of condition 3 of planning permission 2023/93106.

COMP/20/0427 – Alleged unauthorised change of use from D1/F (community use) to B1/E (Commercial). No evidence of breach.

Representations

Final publicity date expires:

Site Notice – Expired 31st December 2025

Press Notice – Expired 12th January 2026

7 representations have been received in objection to the proposals, comments are summarised below.

- Evening and late-night use of this building would lead to unacceptable disturbance from people, vehicles and general activity.
- The proposal would lead to a loss of residential amenity as a result of the car park being used late into the evening and the noise from cars would be disturbing to nearby residents.
- Concern of pedestrian safety as a result on cars using the car park after dark which is an unlit area.
- The extended hours would directly affect the safety, usability and amenity of the car park to the rear and neighbouring lands.
- Late night activity is out of keeping with the character of the area.
- KC Environmental Health previously objected to the extended hours due to loss of amenity by noise and disturbance.
- If the hours are extended there would be no planning control over how often late opening occurs and no breach to complain about.
- Strict access and parking controls were originally condition in the original planning application. In a later variation the applicant removed the access from the red-line boundary, resulting in these protections being lost even though the site continued to rely on the same access. For this application the access has been included within the red-line boundary again, confirming it is an integral part of the development.
- No updated highway assessment, night-time safety analysis, lighting proposals, reversing or conflict assessment, or revised access or parking management plan has been submitted. The Council cannot lawfully approve extended and intensified use without reassessing whether this access is safe and suitable.
- Late evening activities will have an adverse effect on the riverside wildlife including Bats.
- Attendees of the building have been using the public car park close to the site and not the private car park.
- One representation made comment that they had not seen any events running until 11pm.
- Nearby residential properties comprise single glazed sash windows and are therefore provide very limited acoustic insulation
- The applicant is removing important safeguards despite not complying with existing conditions, including the failure to properly mark out the car park and complete approved surfacing and patching. As such there is concern the later opening hours would not be respected.

- Large commercial waste bins are currently being stored at the junction of the access lane with Huddersfield Road, obstructing visibility splays for vehicles emerging from the lane and for traffic on the main road.
- Holmfirth Tech is advertising parking as part of its offering (for example “parking included” and visitor parking), indicating that the car park is being operated as a public or visitor facility rather than a limited staff-only arrangement.
- The private lane to the rear car park is not within the applicants ownership and is signed as “no unauthorised access”. This lane provides the only means by which vehicles can reach the car park. This access is shown on the councils planning records as substandard.

Consultation Responses

KC Environmental Health (informal) – No objection. Recommended a condition be imposed to close all windows and doors after 9pm on a Friday and Saturday.

Parish/Town Council

Holme Valley Parish Council – No comment, defer to Kirklees Officers.

Planning Policy Background

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 the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within Holmfirth Conservation Area, is listed as an Unlisted and Listed Asset of Community Value and relates to a Grade II Listed Building, adjacent several other Listed Buildings to the north. The site is also located within the Strategic Green Infrastructure Network, Holme Valley Neighbourhood Area and a bat alert area. The site is also partially located within Flood Zone 2 along the eastern boundary.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking

- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP27 – Flood Risk
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- 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) updated December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making efficient use of land
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Holme Valley Neighbourhood Development Plan (2020-2031)

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

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.

Policy 3: Conserving and Enhancing Local Heritage Assets

“All development proposals affecting these character defining components of the designated Conservation Areas or their settings will be assessed in terms of Kirklees Local Plan Policy LP35 Historic Environment Part 1W”

Policy 9: Protecting and Enhancing Local Community Facilities

“Where the proposal involves a community facility listed as an Asset of Community Value on a Community Assets Register the community must first be given the opportunity to acquire the asset to continue its operation before planning permission for an alternative use or development can be granted...Proposals to create, expand or alter schools will be supported”.

Policy 11: Improving Transport, Accessibility and Local Infrastructure

“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.

Policy 12: Promoting Sustainability

“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

It is important to note that the application site is within Landscape Character Area 4, this being the ‘River Holme Settled Valley Floor’. Key characteristics of the area include framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park. Boundary treatments comprise largely of millstone grit. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing. In addition, a network of Public Rights of Way including the Holme Valley Riverside Way which follows River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of

Holmfirth before climbing the opposing valley slopes. Mill ponds reflect industrial heritage and other recreation facilities.

Key built characteristics of the area include mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the areas former textile industry. Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads. Narrow winding streets and stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre. Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage. There are mixed areas of historic and more recent residential and commercial developments.

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications

Appraisal

1. Principle of Development

Section 73 of the Town and Country Planning Act 1990 allows for the variation or removal of a condition of a previous permission.

The principle of a mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b) was established at the site under permission 2023/93106 & 2024/70/9145.

As such, it is considered that the principle of development remains established by the way of the previous application. The assessment will therefore deal with the merits of the proposed variations only.

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.”

In addition, 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.

Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts 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; Policy 2 of the HVNDP follows this theme.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Given the nature of the proposed amendments, which includes permitting extended hours of the use (these are outlined below), and the removal of condition 4b, it is considered necessary to assess the residential amenity of the adjacent neighbouring properties against these changes:

The applicant seeks to alter the wording of condition 4a to state:

‘The use hereby permitted shall not open to customers outside of the hours:

Monday to Thursday: 0830 – 2100

Fridays and Saturdays: 0830 – 2300

Sundays and Bank Holidays: 0900 – 1700

Reason: *In the interests of preventing loss of amenity to adjacent residential properties arising from noise and nuisance disturbance and to accord with the aims 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 National Planning Policy Framework.’*

The applicant also seeks to remove condition 4b.

Under the previous approved variation of condition planning application (ref:2024/91458), it was agreed that the hours of use could be extended under a 12-month trial period to allow the impacts of the variation in hours to be assessed during this period in the interests of preventing the loss of amenity to adjacent residential properties arising from noise disturbance and to accord with the aims 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 National Planning Policy Framework.

The agent has stated within the submitted planning statement that ‘during the past 12 months, Holmfirth Tech have not been made aware of any noise related complaints from neighbouring residents (or anyone else). The Tech

requires the extended opening hours on Fridays and Saturdays to provide a greater level of flexibility to accommodate special events such as the Holmfirth Film and Folk Festivals. They would not be open late every Friday and Saturday and it was previously stated that up to 12 occasions a year would be needed. The Tech have only held a handful of evening events (fewer than six) on Fridays and Saturdays that ran past 21:00 hrs. The Tech's intention has never been to hold regular late-night events. The revised and permanent openings hours on Fridays and Saturdays would allow the Tech to continue opening later for special and occasional events.'

An informal discussion was held with KC Environmental Health. KC Environmental Health have confirmed that over the past 12 months there have been no noise complaints submitted in association with the use of the building being open until 11pm on Friday and Saturday. As such, there are no concerns with the hours of the use being extended to 11pm on Friday and Saturday. They did however recommend that all windows and external doors should remain closed after 9pm Friday to Saturday to mitigate noise and safeguard the amenity of nearby residential properties. It is considered reasonable and necessary to impose a condition to ensure all external windows and doors on the north and east elevation of the building are closed between the hours of 21:00 to 23:00 on Friday and Saturday to ensure there is no undue noise impact on occupants of nearby residential properties.

The extended hours may lead to a slight increase in noise from vehicles accessing the private car park associated with the use. However, as previously noted, KC Environmental Health has raised no objections to the proposed hours, and any resulting noise increase is expected to be negligible. It is also noted that the site lies adjacent to a busy main road and just outside Holmfirth Town Centre, and therefore a degree of vehicle noise is to be expected.

Given the above the proposed permanent extended hours on Friday and Saturday to 11pm is considered acceptable. Condition 4a will therefore be reworded and condition 4b can be removed.

In summary the proposed permanent extended hours to 11pm on Friday and Saturday is considered acceptable.

In summary, subject to the addition of the aforementioned condition, officers are on balance satisfied that the site may operate without undue harm to the amenity of neighbouring residents, in accordance with LP24 and LP52 of the Kirklees Local Plan, and Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that

development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design.

This application does not propose any changes that would adversely affect highway safety. While the extended hours would allow the rear car park to operate for an additional two hours on Fridays and Saturdays, the case officer is satisfied that this modest increase will not lead to an over-intensification of its use, nor give rise to congestion or any broader highway safety issues.

The approved Car Park Management Plan prepared by Robert Halstead Chartered Surveyors & Town Planners (May 2024), along with the associated Site Layout Plan (ref: 23227)10 as submitted under application ref: 2024/9145, must be adhered to by the site owner. As confirmed through the original planning consent and the subsequent variation of condition application, the proposed access and parking arrangements are considered acceptable.

The site's position on the edge of the compact town centre places it in a highly sustainable location with excellent access to public transport. High-frequency bus stops are located approximately 85 metres away, and the main bus station is within 300 metres. It is therefore anticipated that some attendees will travel by public transport.

Taking the above into account, it is concluded that the scheme would not represent any additional harm in terms of highway safety and would comply with Local Plan Policies LP21 and LP22, Policy 11 of the HVNDP and the guidance contained within Chapter 9 of the National Planning Policy Framework.

4. Other Matters

With regards to other matters that were assessed as part of the previous planning permission – visual amenity, heritage assets, flood risk and biodiversity, the proposal is unchanged in relation to these aspects and any conditions imposed in regard to these matters to make the development acceptable will be repeated as part of this application.

5. Representations

7 representations have been received in objection to the proposals, comments are summarised below and addressed.

- Evening and late-night use of this building would lead to unacceptable disturbance from people, vehicles and general activity.

- The proposal would lead to a loss of residential amenity as a result of the car park being used late into the evening and the noise from cars would be disturbing to nearby residents.
- KC Environmental Health previously objected to the extended hours due to loss of amenity by noise and disturbance.
- Nearby residential properties comprise single glazed sash windows and are therefore provide very limited acoustic insulation.

Officer comment: The above comments are noted. Impact on residential amenity has been assessed within the appraisal of this officer report. The acoustic insulation of neighbouring properties are not a material planning consideration.

- Concern of pedestrian safety as a result on cars using the car park after dark which is an unlit area.

Officer comment: The car park will remain as existing. The LPA do not consider the extension of hours of use by 2 hours on a Friday and Saturday evening to result in adverse pedestrian safety.

- The extended hours would directly affect the safety, usability and amenity of the car park to the rear and neighbouring lands.

Officer comment: The extension of hours of use by 2 hours on a Friday and Saturday evening is not considered to negatively impact the usability of the car park given that it is existing and no changes are proposed to the car park.

- Late night activity is out of keeping with the character of the area.

Officer comment: The site is located adjacent Holmfirth Town Centre, with many businesses which operate into the late evening. It is therefore not considered that this site would be out of keeping with the character of the area.

- If the hours are extended there would be no planning control over how often late opening occurs and no breach to complain about.
- Strict access and parking controls were originally condition in the original planning application. In a later variation the applicant removed the access from the red-line boundary, resulting in these protections being lost even though the site continued to rely on the same access. For this application the access has been included within the red-line boundary again, confirming it is an integral part of the development.
- No updated highway assessment, night-time safety analysis, lighting proposals, reversing or conflict assessment, or revised access or parking management plan has been submitted. The Council cannot

lawfully approve extended and intensified use without reassessing whether this access is safe and suitable.

Officer comment: Concern relating to access and parking layout are as existing and the proposed extended hours will not change this. As such, no further highway assessments are required. The location plan submitted with this application is identical to the location plan submitted as submitted in the original planning application approval and as such there are no concerns in this regard. The extension of hours is not considered to result in a significant intensification of the site and the existing car parking area will remain as existing, raising no concern to highway safety.

- Late evening activities will have an adverse effect on the riverside wildlife including Bats.

Officer comment: This comment is noted, however as light will come from within the building, it is not considered to result in any adverse harm to existing habitats.

- Attendees of the building have been using the public car park close to the site and not the private car park.

Officer comment: This comment is noted, however the LPA has no control over which car park the attendees should use. It is also noted that anyone can use a public car park.

- One representation made comment that they had not seen any events running until 11pm.

Officer comment: This comment is noted, however based off of the information provided by the applicant who has stated that events have been held past 9pm, the LPA are satisfied on the balance of probabilities that late evening events have occurred within the last 12 months.

- The applicant is removing important safeguards despite not complying with existing conditions, including the failure to properly mark out the car park and complete approved surfacing and patching. As such there is concern the later opening hours would not be respected.

Officer comment: This comment is noted, and if the approved plans and documents submitted are not being adhered to, planning enforcement should be contacted.

- Large commercial waste bins are currently being stored at the junction of the access lane with Huddersfield Road, obstructing visibility splays for vehicles emerging from the lane and for traffic on the main road.

Officer comment: This comment is noted and it is recommended that planning enforcement are contacted waste bins block the car park access.

- Holmfirth Tech is advertising parking as part of its offering (for example “parking included” and visitor parking), indicating that the car park is being operated as a public or visitor facility rather than a limited staff-only arrangement.

Officer comment: The car park to the rear included within the red line boundary can be used by attendees of the business (Holmfirth Tech). This was agreed within the submitted car park management plan under application ref: 2024/9145.

- The private lane to the rear car park is not within the applicants ownership and is signed as “no unauthorised access”. This lane provides the only means by which vehicles can reach the car park. This access is shown on the councils planning records as substandard.

Officer comment: This comment is noted. Certificate B was signed on the original application and noticed has been served on the relevant parties. Concerns relating to ownership is a private civil matter that should be addressed with the owner of the site.

Holme Valley Parish Council – No comment, defer to Kirklees Officers.

Officer comment: This comment is noted.

Conditions Review

As the application is a Section 73 application to vary conditions, it is necessary to re-impose all conditions which remain relevant.

The wording of condition 1,2, 3, 5, 6 & 7 will remain unchanged.

The wording of condition 7 will remain unchanged to ensure the five areas of patching within the Holmfirth Tech car park, as identified within the hereby approved Car Park Condition Survey dated September 2024, received 11th September 2024 and drawing no. (23227)10_Site Layout Plan Rev B, received 12th December 2024, shall be undertaken.

The wording of condition 4a will be varied and condition 4b will be removed due to the reasons explained within this officer report.

An additional condition is considered reasonable and necessary to impose which will ensure external windows and doors on the north and east elevation of the building remain closed between the hours of 21:00 to 23:00 on Friday and Saturday to ensure there is no undue noise on nearby residential properties.

Conclusion

The proposal is a Section 73 Variation of Condition application to vary condition 4a (opening hours) and removal of condition 4b (opening hours) on previous permission 2024/91458 for variation of conditions 2 (Car Park

Management Plan), 4 (opening hours), 6 (Sustainable Travel Statement) and removal of condition 7 (car park re-surfacing) on previous permission 2023/93106 for change of use of adult education centre (Class F1(a)) to mixed-use community facility to include use classes E(a) to E(g)(i), F1(a), F1(b), F1(e) and F2(b) (part retrospective) (Listed Building within a Conservation Area). These amendments are required to accommodate minor changes to a previously approved scheme, to allow for extended opening hours. As detailed within the report, given the minor modifications sought by this proposal the minor variations are considered to be acceptable.

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. The proposal would remain in accordance with the development plan and there are no material considerations to indicate otherwise. The development would therefore constitute sustainable development, and it is recommended for approval.

There are no other matters for consideration.

Decision Authorisation – Delegated Powers

Application Number: 2025/93286

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be carried out in 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, LP7, LP20, LP21, LP22, LP24, LP26, LP27, LP30, LP31, LP35, LP48, LP51 and LP52 of the Kirklees Local Plan, Chapters 2, 4, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy

Framework and Policies 1, 2, 3, 9, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan.

2. The car park to the rear of, and ancillary to Holmfirth Tech, 142, Huddersfield Road, Holmfirth, HD9 3AR shall be operated in accordance with the approved Car Park Management Plan.

Reason: To ensure that the site can be made safe and accessible in the interests of highway safety, to ensure pedestrian safety and in the interests of residential amenity, and to accord with LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Development Plan.

3. Arrangements and the specification for layout of parking spaces shall be undertaken in accordance with details outlined within hereby approved drawing no. (23227)10_Site Layout Plan Rev B, received 12th December 2024. The approved arrangements and specification of the parking spaces shall be completed in accordance with the details shown on the approved plans within 6 months of the date of this permission and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Development Plan.

4. The use hereby permitted shall not be open to customers outside the hours of:

Monday to Thursday: 08:30-21:00

Friday and Saturday: 08:30-23:00

Sunday and Bank Holidays: 09:00-17:00

Reason: In the interests of preventing loss of amenity to adjacent residential properties arising from noise and nuisance disturbance and to accord with the aims 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 National Planning Policy Framework.

5. Storage, bin presentation points and access for collection of wastes shall be provided in accordance with the details outlined within hereby approved drawing no. (23227)10_Site Layout Plan Rev B, received 12th December 2024 and be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Kirklees Local Plan Policy LP24 part d(vi) and Chapter 9 of the National Planning Policy Framework.

6. The development shall operate in accordance with the measures contained within the hereby approved Sustainable Travel Statement by Robert Halstead Chartered Surveyors & Town Planners, dated May 2024, received 3rd June 2024. The approved sustainable travel statement shall thereafter be retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the Council's sustainability objectives and to accord with Chapters 9 and 14 of the National Planning Policy Framework, Policy 11 of the Holme Valley Neighbourhood Development Plan and Policies LP20 and LP22 of the Kirklees Local Plan.

7. Within three months of the date of this permission, the five areas of patching within the Holmfirth Tech car park, as identified within the hereby approved Car Park Condition Survey dated September 2024, received 11th September 2024 and drawing no. (23227)10_Site Layout Plan Rev B, received 12th December 2024, shall be undertaken and shall be retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan and Policies contained within Chapter 14 of the National Planning Policy Framework.

8. The external windows and doors on the north and east elevations of the building must remain closed between 21:00 and 23:00 on Fridays and Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard neighbouring residents from excessive noise and disturbance, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

NOTE: Construction relates noise shall not take place outside the hours of: -

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13:00 hours, Saturdays

With no noisy activities on Sundays or 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.

Plans and specifications schedule: -

Plan Type	Reference	Rev	Date Received
Planning Statement	-	-	1 st December 2025
<i>Approved under application ref: 2024/9145</i>			
(23227)10_Site Layout Plan	-	B	2nd October 2024

Car Park Management Plan – Supporting Information	-	-	3 rd June 2024
Sustainable Travel Statement – Supporting Information	-	-	3 rd June 2024
Holmfirth Tech Car Park Survey – Supporting Information	-	-	3 rd June 2024
Tech Car Park Survey (Travel) – Supporting Information	-	-	3 rd June 2024
Car Park Condition Survey September 2024 – Supporting Information	-	-	11th September 2024
Quotes for work from D.Haigh & Co. Tarmacadam Specialists – Supporting Information	-	-	3 rd June 2024
Planning Statement – Supporting Information	-	-	3 rd June 2024
Ownership Plan – Supporting Information	(23227)11_Ownership Plan	A	2nd October 2024
<i>Approved under application ref: 2024/91391</i>			
Email from Applicant's Agent Mrs. Alison Dumville - Supporting Information	-	-	15th July 2024
<i>Approved under application ref: 2023/93106</i>			
(23227)1_Location Plan	-	B	19th December 2023
(23227)2_Layout as Existing	-	C	19th December 2023
Climate Change Statement – Supporting Information	-	-	20th October 2023
Planning Statement – Supporting Information	-	-	20th October 2023

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 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought on this occasion as the proposals were considered to be acceptable upon submission.

Report Dated: 26/01/2026