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:	**2026/62/92570/W**
Site Address:	Unit 26, Perseverance Mills, Lockwood, Huddersfield, HD4 6BW
Description:	Change of use from Class B8 (storage/distribution) to Class E(d) (indoor sport, recreation or fitness)
Recommending Officer:	Joshua Merriman

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.

John Holmes

AUTHORISED OFFICER

Date: 20th November 2026

Officer Report – 2026/92570

DECISION LEVEL:

SCHEDULE 2
This is a Schedule 2 Application. As the proposal does not relate to a change of use relating to

- Class C2 (Residential Institutions) i.e. Children's Homes
- C4 House of Multiple Occupation
- Class F.1 (f) for, or in connection with, public worship or religious instruction
- Sui generis – class within its own which includes Public Houses and Hot Food Takeaways

this application will be determined under the delegated procedure in accordance with the Council's constitution.

Site Description

The application site refers to Unit 26, Perseverance Mills, Lockwood, Huddersfield, HD4 6BW, a current industrial unit used for storage and distribution within the wider Perseverance Mills complex. The unit is located to the North East of the site and is accessed via the access to the North of the main building.

The application site also benefits from a parking area within the complexes courtyard.

The proposal would see 200m^2 of floor space to be used as a gym.

Description of Proposal

The Scheme

The applicant is seeking permission for Change of use from Class B8 (storage/distribution) to Class E(d) (indoor sport, recreation or fitness).

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Planning Justification & Sequential Assessment
- Cil Form
- BNG Exemption Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

There is no relevant planning history at this unit within the site.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter

The application has been publicised as affecting a public right of way, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 30/10/2026.

No representations have bene received.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways Development Management (Informal) – No objections.

Allocation and Policy

The site is allocated in the Strategic Green Infrastructure Network within the Kirklees Local Plan (adopted 2019). The site is also located within Flood Zone 2, proximity of PRoW HUD/242/10, upon potentially contaminated land, within a bat alert layer, and an area of Great Crested Newts.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP13 Town Centre Uses
LP21 Highway and Access
LP22 Parking
LP24 Design
LP27 Flood risk
LP30 Biodiversity and Geodiversity
LP31 Strategic Green Infrastructure Network
LP52 Protection and Improvement of Environmental Quality
LP53 Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 2026, the Planning Practice Guidance Suite (PPGS) first launched 6th 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.

Chapter4	Achieving Sustainable Development
Chapter5	Meeting the challenge of climate change
Chapter8	Ensuring the vitality of town centres
Chapter14	Achieving well designed places
Chapter15	Promoting sustainable transport
Chapter17	Pollution, public protection and security
Chapter18	Managing flood risk and coastal change
Chapter19	Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1 – Principle of Development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

National decision-making policy S3: Presumption in favour of sustainable development 1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means: a. Policy S4 in this Framework should be applied when considering development proposals within settlements; b. Outside settlements, policy S5 should be applied; and c. In all locations, development proposals that accord with both

an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

National decision making Policy: S4: Principle of development within settlements 1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

The dimensions of sustainable development will be considered throughout the proposal.

Policy LP13 of the Kirklees Local Plan sets out that a sequential assessment is required for all developments (other than non urban development under 150m^2) and an impact assessment where the floor space exceeds 800m^2 for edge of centre sites. The proposal would not, however, exceed either threshold in this case.

Chapter 8 of the NPPF sets out policies to promote the long-term vitality and viability of town centres by prioritising them as locations for main town centre uses and allowing them to adapt to changing community and business needs, in a way which reflects their locally distinctive roles and opportunities. For the purpose of this chapter 'town centres' includes city, town, district and local centres as defined in the glossary at Annex B.

The application has been submitted with a statement which sets out the extent of the intended use, and makes reference to these policies and concludes no suitable town centre alternative was considered to be present / identifiable.

The proposal would see 200m^2 of floor space to be used as a gym.

The submitted statement sets out that the proposed facility is not an open-access commercial gym or high-street retail concept. It operates on a 1-on-1 and small group personal training model by appointment only. The catchment area specifically serves local residents in Lockwood, Newsome, and southern Huddersfield.

Notwithstanding the intended operation, it is considered that the use could be expanded (although controlled to some extent by the floor space). The extent of the submitted sequential assessment is not considered to clearly articulate alternative town centre options, and it is considered the sequential test is not met, there are considered to be a number of factors present that constitute a material consideration which otherwise dictates that this element of policy LP13 is required to be strictly adhered to.

In this case the factors relate to the proximity of the site to the nearest centre (100 – 160m from the boundary), size of the proposal is relatively limited and the fact the proposal would be within an existing building which has previously been in use for employment purposes.

Therefore it is considered that the principle of the development is considered to be acceptable on the basis of the use as proposed. A condition restricting the use to be that sought is recommended (gym) to ensure consideration of alternative class E uses could be made were it the case alternative such uses were intended to be undertaken in the future.

Subject to condition the proposal is concluded to be acceptable in principle having regard to the aforementioned policies.

2 – Impact on character and appearance of the area

Visual Amenity

Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

National policy DP3 of the NPPF requires development to respond positively to its context and contribute to the creation of well-designed places, having regard to matters including local character, built form, appearance and materials. Development which is not well designed should be refused when assessed against national and local design policies and guidance. Policy DP4 further requires design quality to be considered throughout the assessment and delivery of development proposals.

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'.*

The submitted plans confirm that no external alterations are proposed as part of the application. On this basis, it is considered that the proposed change of use would have a neutral visual impact on the character and appearance of the surrounding area.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections 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."*

Policies within Chapter 17 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers

Policy P3(2)(b) seeks to ensure developments do not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers

The proposed works would not include any exterior alterations to the building and therefore the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Officers consider that the noise created from a unit conducting 1-1 training sessions with a maximum of 4 clients at one time for group activities would likely be comparable to noise potential from the existing storage and distribution use of the unit. Although the use of the unit as a personal training studio could involve the use of weights and music, the supporting information states that all music will be restricted to low-level commercial Bluetooth speakers, with no powerlifting, Olympic bar drops, or high-impact machinery taking place. Furthermore, the unit features thick stone masonry walls, and high-density rubber acoustic flooring will be used to absorb impact vibrations.

Conditions will be added to any forthcoming permission to ensure the noise levels from music are restricted to an acceptable standard, and that the unit abides by the opening hours outlined within the supporting information. This will ensure no disruptive operations will take place.

Subject to conditions and given that the distance to the closest residential dwelling is approximately 90m, it is considered that there will be no significant impact upon Residential Amenity as a result of the proposed change of use, complying with Policy LP24 of the Kirklees Local Plan and policies within Chapter 17 of the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Chapter 15 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.

The supporting information states that a maximum of 4 parking spaces will be required to service the unit at any one time, with appointments being staggered by 10-15 minutes to prevent overlapping vehicle arrivals or parking

congestion. Following an informal consultation with KC Highways Development Management, the submitted details are deemed acceptable, with the shared parking courtyard servicing Perseverance Mills being considered acceptable to meet the needs of this change of use.

Waste collection and storage arrangements are able to be accommodated and given the scale / nature of the proposal it is considered the development would not have a significant impact in this regard.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

5. Climate Change

Chapter 5 of the NPPF sets out policies relating to meeting the challenge of climate change. The objective of the policies in Chapter 5 are to support the transition to net zero by 2050 and to shape places in ways which are more resilient to the effects of climate change. It does this by setting out policies to shape places in ways that contribute to radical reductions in greenhouse gas emissions and adapt to the full range of current and potential impacts of climate change, by minimising vulnerability and improving resilience.

The proposal, being a change of use, is considered to ensure the continued operations from the building which has a beneficial impact over redevelopment and is concluded to be acceptable in this regard.

6. Other Matters

Impact upon Ecology

Chapter 19 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat roosting area and area with Great Crested Newts, the proposals are relatively modest, and in this case would not impact upon the existing roof space or local habitats which have the potential for providing a roost for bats or harming Great Crested Newts. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat or Great Crested Newt populations.

An informative would be included making the applicant aware that if bats or Great Crested Newts are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural

England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

Flood Risk

Chapter 18 of the NPPF is relevant insofar as it seeks to minimise risks to development arising from all sources of flooding and coastal change, taking into account the impacts of climate change, by steering development away from areas of risk, ensuring that development will be safe for its lifetime without increasing flood risk elsewhere, and incorporating sustainable drainage systems where appropriate.

Policy LP28 of the Kirklees Local Plan & Chapter 18 ('Managing Flood Risk and Coastal Change') of the National Planning Policy Framework are considered to be relevant in terms of foul / surface water drainage.

Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments.

As set out at policy F5(2) the requirement for a sequential test in relation to flooding is not applicable for a number of criterial including householder developments, small non-residential extensions (250m^2 or less) and/or change of use (other than change of use to a caravan, camping or chalet site, or to a mobile home or park home site.

The proposal would see a continued presence of people at the site, although is not considered to significantly increase the risk given the use would not be for a habitable occupation of the site and users would be transient / linked to the employment / leisure use which would arise as a result of the proposed use.

7. Representations

No representations have been received.

8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **CONDITIONAL FULL PERMISSION**

Decision Authorisation: Delegated Powers

Application Number: 2026/92570

Officer Recommendation: Conditional Full Permission

Conditions

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 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan and Policies within Chapters 4, 5, 14, 15, 17, 18 and 19 of the National Planning Policy Framework

3. The use of the development hereby approved shall be restricted to the area in block red colour annotated ‘unit 26’ upon submitted plan TQRQM26271112629489 and for a use restricted to indoor sport or recreation falling within use class E(d) of Schedule 2 of The Town and Country Planning (Use Classes) Oder 1987 (as amended) or any Order revoking or re-enacting that Order.
   Reason: To protect the vitality and viability of existing designated centres with the Kirklees District to accord with Policies LP13 and LP50 of the Kirklees Local Plan and policies within Chapters 8 and 16 of the National Planning Policy Framework.

4. The premises shall not be open for business including deliveries to or dispatches from the premises, outside of 06:00hrs to 20:00hrs on Monday-Friday and 07:00hrs to 16:00hrs on Saturday, with the premises remaining closed 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.

5. Noise from amplified and non-amplified music from within the outbuilding hereby approved shall be controlled so as to be inaudible at nearby residential premises. Inaudibility being defined as:

- If the LAeq (1 min) (of the music etc. noise) is not greater than the LA90 (of the background with no music etc. noise); and
- If the L10 (5min) (of the music etc. noise) is not greater than the L90 (of the background with no music etc. noise) in each 1/3rd octave band between 40Hz and 160Hz.

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 policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 14 and 19 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location & Site Plan	TQRQM26271112629489	-	28/09/2026
Application Forms	-	-	28/09/2026
Planning Justification & Sequential Assessment	-	-	28/09/2026
Cil Form	-	-	28/09/2026
Biodiversity Net Gain Exemption Statement	-	-	28/09/2026

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.