
Report of the Head of Strategic Investment**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 04-Jan-2018****Subject: Planning Application 2017/93777 Change of use from light industry / storage to martial arts gymnasium (D2) Springfield Mills, Dale Street, Longwood, Huddersfield, HD3 4TG****APPLICANT**Nick Bentley, Phantom
Tiger Taekwondo**DATE VALID**

03-Nov-2017

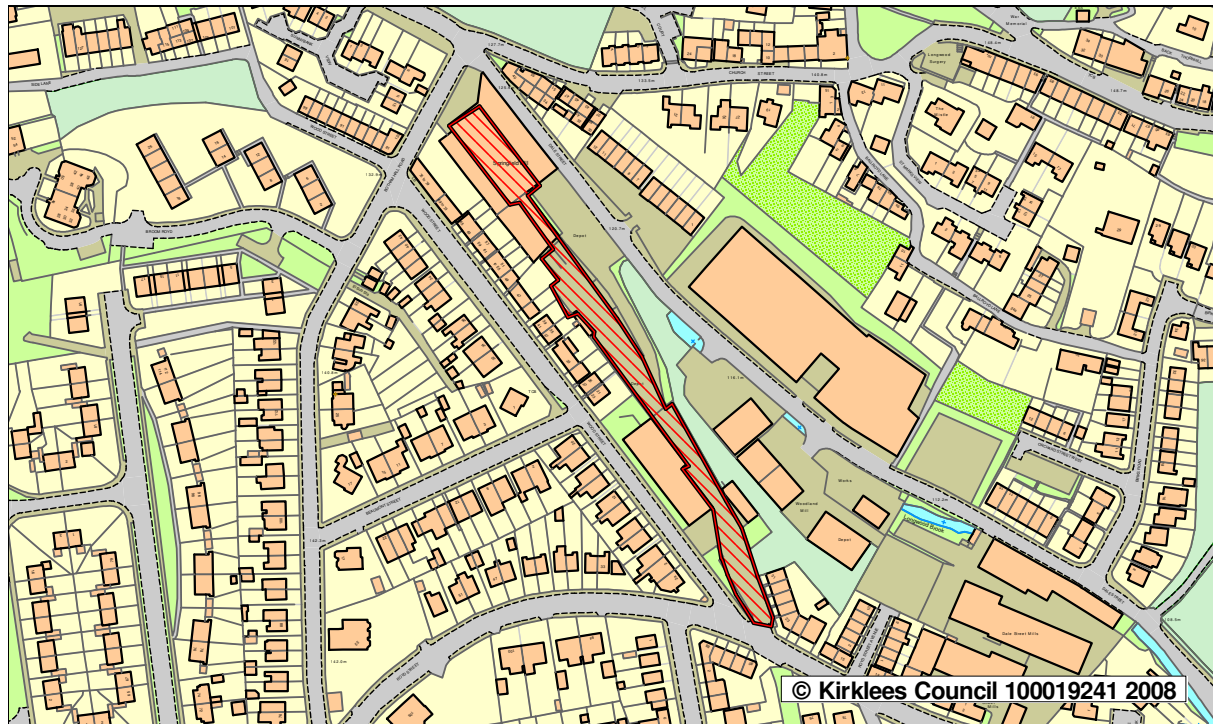
TARGET DATE

29-Dec-2017

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: **Golcar**

No

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought before Huddersfield Sub-Committee for determination under the terms of the Delegation Agreement as a member of staff within Investment and Regeneration is closely associated with the proposed business.

2.0 SITE AND SURROUNDINGS:

- 2.1 Springfield Mills is old mill complex located on land bordering Dale Street to the north-east, and the rears of 21-79 Wood Street to the south-west. It is accessed off Royd Street near the junction with Wood Street. The surrounding area is mainly residential.
- 2.2 The access serves two businesses near the south-eastern end of the site a short distance in from the site entrance, these being a kitchen workshop / showroom and an automobile paint supplier. Towards the north-western end of the site is a shared car park and beyond this the main mill buildings. These consists of a three-storey mill building with some more recent single-storey extensions in front of it, and a smaller building attached at the north-east side. The premises that are the subject of this application are on the first floor of the main mill building.

3.0 PROPOSAL:

- 3.1 The proposal is for the change of use of Unit 10, located on the first floor of the premises, from light industry and storage (B1 / B8), to a martial arts gymnasium (D2). It is intended that this would be used for running taekwondo classes. The change of use would apply to 700 square metres. The applicant has proposed that the hours of opening would be between 8am and 10pm, 7 days a week. It is anticipated that the classes would be held on Wednesday evenings and Sunday afternoons but the longer hours would give other groups offering similar types of leisure activities the opportunity to use the premises on other days. No external physical alterations are proposed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2016/90466 – Change of use of Unit 2 to a gymnasium. Approved, not implemented.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Case officer requested a statement to demonstrate compatibility with Policy B4 of the UDP. This was submitted on 4th December 2017.

6.0 PLANNING POLICY:

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

D2 – Unallocated land.
B4 – Change of use of land last used for business and industry.
EP4 – Noise-sensitive and noise-generating development.
T10 – Highway safety.
S1 – Shopping and Service Uses.

Publication Draft Local Plan:

6.3

PLP 8 – Safeguarding employment land and premises
PLP 22 – Parking
PLP 50 – Sport and physical activity

National Planning Guidance:

6.4

- Core Planning Principles
- Chapter 1 – Building a strong, competitive economy

- Chapter 2 – Ensuring the vitality of town centres
- Chapter 10 – Meeting the challenges of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity period expired 06-Dec-2017. One representation was received from a neighbour who does not object in principle but raises the following concerns:

- Windows will need to be opened to allow fresh air to circulate;
- Double glazing is not effective at dampening noise;
- Coming and going during drop-off or pick-up times may cause additional disturbance;
- Where activities are popular, youths tend to hang out in groups and can become rowdy;
- Can we be assured that the fire exit at the Botham Hall end of the building will only be used for emergencies, since use as an alternative entrance could cause parking problems?

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management: No objections.

8.2 Non-statutory:

K.C. Environmental Health: No objection subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Impact on local economy
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The land is unallocated in the UDP. Within the NPPF it will be assessed having regard to the following NPPF Policies:

- “Core planning principles” – Local Planning Authorities should promote mixed use developments and make use of sustainable modes of transport.

- “Building a strong competitive economy” significant weight should be placed on the need to secure sustainable economic growth through the planning system.
- “Ensuring the vitality of town centres” – planning decisions should promote of the vitality and viability of town centres.
- “Meeting the challenges of climate change, flood risk and coastal change” – Development should avoid creating or materially adding to flood risk.
- “Conserving and enhancing the natural environment” – advises that planning policies and decisions should aim to prevent noise giving rise to significant adverse impacts on health and quality of life, while not placing unreasonable restrictions on businesses.

10.2 The application will further be assessed having regard to the aims of the following UDP Policies:

D2: Development on unallocated land will be granted provided that the proposals do not prejudice [a specific set of considerations];

B4: Sets out a range of criteria to be applied where the application is for the change of use of premises last used for business and industry, including their continued suitability for business and industrial use;

S1: primacy of town and local centres

EP4: The impact of noise-generating on noise-sensitive uses should be considered at the planning stage;

T10: Development should not create or materially add to highway safety problems;

T19: Development should provide adequate parking having regard to Appendix 2 standards.

10.3 The following PDL policies are considered to be relevant as they do not attract significant unresolved objections:

PLP 8 – Safeguarding employment land and premises

PLP 22 – Parking

PLP 50 – Sport and physical activity

Of these, PLP 8 and 22 cover similar concerns to UDP Policies B4 and T19; PLP 50 states that the Council will seek to protect, enhance and support new outdoor and indoor sport and leisure facilities where appropriate. PLP13 of the PDL attracts substantial unresolved objections and it is therefore considered that not much weight can be placed on it, although it covers broadly similar concerns to Policy S1 and some NPPF Policies already mentioned.

Impact on local economy

Loss of premises used for business and industry:

- 10.4 The applicant has submitted a statement to demonstrate that the aims of B4 (change of use of premises last used for business and industry) have been complied with.
- 10.5 According to the applicant's statement, Springfield Mills comprises approximately 6/7 units on the ground floor, 1 unit on the first floor and 1 unit on the 2nd floor, with approximately 3 units in an adjoining building. Only 3 units on the ground floor are currently occupied. It is understood that the units in the adjoining building are let for storage purposes only. The landlord has explained that his rental prices are low due to the mill not being in a prime business location. Unit 10 is situated on the first floor with no loading bay access and so is not suitable for many industrial uses.
- 10.6 In considering application 2016/90466 for change of use of Unit 2 to a gymnasium, the Council accepted that there had been no market interest in the premises during the preceding year, that such premises are unsuitable for most modern forms of business, other than low grade storage, which has little employment potential, and that there is no shortage of such premises in the local area.
- 10.7 Officers' observations are that the mill complex is not optimal for continued business or industrial use owing to its layout and location, that there is under-occupation of the units, as is the case at many other industrial sites of similar age, and that a first-floor unit is less likely to be attractive to a potential business or industrial occupier than a ground floor one. The proposed use would not directly create jobs but would be compatible with the existing uses on the site and would be unlikely to affect their future operational flexibility. It would allow the building to be retained in economic use and generate rental income. It is considered that the change of use would comply with the aims of Policy B4.

Sequential test for main town centre use:

- 10.8 The proposed use represents a main town centre use as defined by Annex 2 of the NPPF. The application site is located in an out of centre location, the closest centres being that of Milnsbridge to the south east, Golcar and James Street to the south west. The site is therefore located in an out of centre location and a sequential test is required to accord with paragraph 24 of the NPPF. Policy S1 of the UDP further supports that town and local centres should remain the focus for a mix of uses which the proposed gym is considered to fall under.
- 10.9 According to the applicant's statement, the club used to rent space at All Saints School in Bradley. This arrangement will come to an end on 08-Dec-2017 as the school will no longer allow the club to rent the space. The club has considered alternative rooms at a number of schools, churches and other public buildings around Kirklees. These were found to be unavailable because of existing bookings or not big enough to house the club. The club has also tried to find other premises it could rent solely rather than as a time-shared slot. These were rejected because they were either not large enough for the needs of the club, lacked adequate parking, were too expensive, or too close to existing housing.

- 10.10 The proposed use is one that by its nature requires considerable space, which inevitably makes it harder to find suitable affordable premises within town, district, or local centres, where there are other uses competing for floorspace that have a higher turnover per square metre and are therefore able to afford higher rents. At least 5 of the rejected alternative sites are on the edge of existing commercial centres as defined in the Draft Local Plan, including Milnsbridge, Lockwood, Aspley, Mount Street and Huddersfield Town Centre.
- 10.11 Paragraph 24 of the NPPF states that when considering out of centre proposals, preference should be given to accessible sites that are well-connected to the Town Centre. This site is not particularly well-connected as it is not on a bus route, the nearest bus stop being about 5-10 minutes' walk away, but better-connected premises have been examined by the applicant and rejected as unsuitable for the reasons already stated.
- 10.12 It is considered on balance that the sequential test has been passed. It would therefore support the aims of the NPPF – Ensuring the vitality of town centres and of UDP Policy S1.

Residential Amenity

- 10.13 The unit is in an area that is mainly residential in character. The nearest inhabited dwellings are approximately 16m away to the south-west, 17m away to the north-east and 23m away to the north-west.
- 10.14 The applicant has submitted a noise management plan. This recognises that uses of this nature can be a source of noise, and states that a condition can be accepted preventing the opening of windows facing the backs of 63-79 Wood Street to the south-west. In the case of the north-east elevation, facing Dale Street, the applicant considers such a condition to be unnecessary because the roof of one of the other Springfield Mills units shields the dwellings on Dale Street from noise.
- 10.15 The Environmental Health Officer has recommended that a condition is applied that all doors and windows shall be kept closed at all times when the gym is in use, except in emergency. This condition could make it difficult for the club to operate satisfactorily during warm weather since there is no air conditioning. It is considered that 63-79 Wood Street are likely to be more sensitive to noise from the proposed gym as it backs on to their rear gardens where they would normally expect a degree of peace and quiet; adjacent properties on Dale Street and Botham Hall Road are considered to be less sensitive as they face the highway. It is recommended that a condition is imposed to prevent windows in the south-west elevation being opened whilst the gym is in use and that there shall be no amplified music or speech on the premises. The applicant has confirmed by telephone that there will be no requirement for amplified music and so compliance will not present any difficulties.
- 10.16 The permission would grant D2 use which in addition to other indoor leisure uses could in principle encompass a range of uses including cinemas, music and concert halls and bingo halls. It is considered on balance that there is no need to impose further restrictions on the type of use, as long as the hours stated on the application form (between 0800 and 2200) are not exceeded.

Subject to this being imposed as a condition along with the other conditions on window opening and amplified sound, it is considered that the gym would operate without harm to residential amenity and would accord with the aims of Policies D2 and EP4.

Highway issues

- 10.17 There is a large shared parking area adjacent to the mill building which the applicant estimates to provide 20 spaces. The access arrangements are considered safe and satisfactory to serve the existing uses within the mill complex in addition to the proposed one.
- 10.18 The applicant has requested opening hours of 8am until 10pm, 7 days a week. They propose to hold classes on Wednesday evening and Sunday afternoon, but there is a possibility that clubs offering other sports and activities such as yoga and tai chi (also within the D2 use class) may wish to use the premises as well and so the applicant has requested these hours to give provide more flexibility.
- 10.19 It is anticipated that most students at the club would be dropped off by their parents and picked up later, although again this could be different if other clubs use the same premises. It is however expected that the peak operating times of the premises would still be in the evenings and on weekends when the established businesses on the mill complex are not operational and so there is unlikely to be any conflict. The car park is very large in any event, so regardless of the number of users of the gym it is very unlikely that parking will overspill onto the highway.
- 10.20 It is considered that the proposed use would be able to operate without giving rise to highway safety problems and would accord with the aims of Policies T10 and T19 of the UDP, and PLP22 of the PDLP.

Representations

- 10.21 One representation has been made. Concerns relating to residential amenity have been examined in detail in the main part of the assessment but are highlighted here together with other issues raised:
- Windows will need to be opened to allow fresh air to circulate;
Response: This issue has been examined in paragraph 10.15 above. As long as windows facing south-west towards Wood Street are not allowed to open, which can be conditioned, this should retain a good standard of amenity for adjacent residents.
 - Double glazing (referred to in the applicant's statement) is not effective at dampening noise;
Response: Double glazing might not be sufficient if this was a use likely to generate very high levels of noise but as a martial arts gym will only generate modest levels of noise, the measures already referred to in paragraphs 10.15-10.16 will be sufficient.

- Coming and going during drop-off or pick-up times may cause additional disturbance;

Response: The car park is at a lower level than neighbouring residential gardens which would limit intrusive noise, and it is considered that as long as the closing time of 2200 hours is adhered to, the use would not give rise to undue noise disturbance.

- Where activities are popular, youths tend to hang out in groups and can become rowdy;

Response: It unlikely that the car park could ever become a popular place for young people to socialise as it is remote from the street and the premises would presumably be locked after closing time anyway. In the unlikely event of anti-social behaviour occurring, this can be dealt with under other legislation.

- Can we be assured that the fire exit at the Botham Hall end of the building will only be used for emergencies, since use as an alternative entrance could cause parking problems?

Response: There is door at the Botham Hall Road (north-western) end of the building and a gate giving access to the highway at the junction of Botham Hall Road and Dale Street. But the door is designed for loading and unloading and is clearly not the main way into the building. It is considered that the possibility of people choosing to park on the highway near the north-western end of the building is very remote, and that the overall level of parking provision within the site is such that the development would not give rise to increased parking on the highway.

Other Matters

10.22 Drainage. The site is in Flood Zone 1 but is in a Critical Drainage Area. The proposal involves the partial change of use of an existing building without any new build. The change is not from a less vulnerable to a more vulnerable use, in terms of the Environment Agency's classifications, as both the existing and proposed uses have the same vulnerability classification (category 3 – "least vulnerable"). Furthermore the unit is on the first floor so it would not be affected by any floods that may occur. It would therefore be disproportionate to require the applicant to submit a flood risk assessment or mitigation measures.

10.23 Ecology: The site is within the Bat Alert Layer but as the proposal is for change of use only and would not affect the roof structure, it will be sufficient to add the standard precautionary note.

11.0 CONCLUSION

11.1 It is considered that the proposed change of use would be compatible with the aims of sustainable economic development. It would not give rise to highway safety problems and subject to suitable conditions it would avoid giving rise to any adverse impacts on residential amenity. It would also support the aims of and PLP50 of the PDLP which states that the Council will support new indoor sport and leisure facilities where appropriate.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

- 1. Time limit to commence development**
- 2. Development to be undertaken in accordance with the submitted plans and information**
- 3. No windows within the south-western wall of the premises shall be open at any time when the facility is in use.**
- 4. No amplified music or speech on the premises at any time.**
- 5. No activities carried out on the premises outside the hours of 0800 to 2200 on any day.**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93777>

Certificate of Ownership – Notice served on Mr Ulfat Sattar 11th October 2017.