
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 23-Nov-2017

Subject: Planning Application 2017/92605 Change of use and alterations to wc to form revised public toilets, A1 (shops/retail), A2 (professional services) , A3 (cafe/restaurant) and A5 (hot food and takeaway) (within a Conservation Area) Public Conveniences, Station Road, Holmfirth, HD9 1AD

APPLICANT

The Clerk, Holme Valley
Parish Council

DATE VALID

01-Aug-2017

TARGET DATE

26-Sep-2017

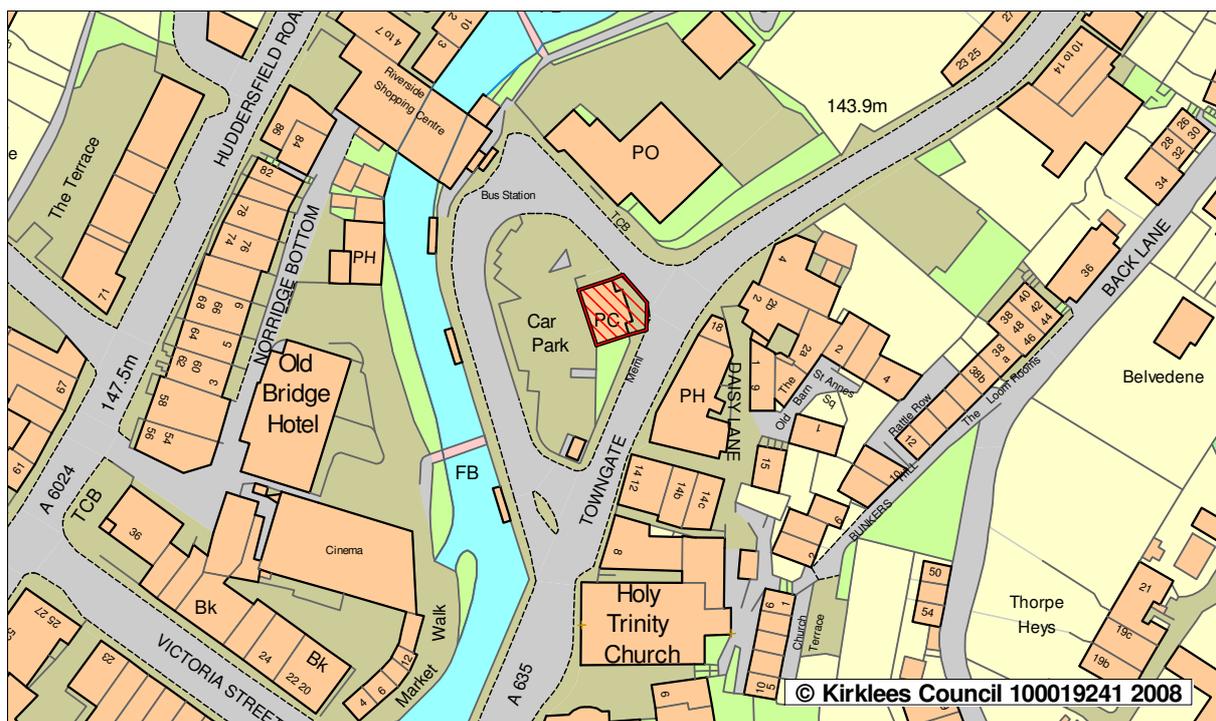
EXTENSION EXPIRY DATE

27-Nov-2017

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: Holme Valley South

No

Ward Members consulted – though Cllr Patrick has made comments on the application

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 the Sub Committee at the request Holme Valley South ward member Cllr Patrick. Cllr Patrick's reasons being as follows:

Please note I shall be asking for this application to be determined at planning committee and will request a site visit. Reason Highways and parking.

- 1.2 Cllr Patrick has considered the amended plans and confirmed his request for the application to be heard at Sub Committee stating:

Hot food takeaway will generate traffic.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises of the existing public conveniences building located within Holmfirth Town Centre at the junction of Town Gate and the bus station. The building is single storey, constructed of stone with a pitched roof covered in slate tiles. The building has one main point of access with two doors either side which are currently not used. Roof lights are provided in the rear of the building. Surrounding the site to the west is a small short stay car park. To the north is Holmfirth post office.

3.0 PROPOSAL:

- 3.1 The application seeks the part change of use of the building to provide a flexible set of uses which include A1 (shops/retail), A2 (professional services), A3 (cafe/restaurant) or A5 (hot food and takeaway) use. The proposal would retain male, female and disabled in the right-hand side of the building with 20.83 square metres of the left hand side of the building changing to the proposed uses. External alterations would be limited with an existing opening on the left side of the building providing access to the proposed use(s), the

right side access being blocked up, and the existing central point of access would provide access to the public conveniences. The hours of use for the different proposed uses are not currently known.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 86/01623 - Erection of block of public toilets (Within Conservation Area) - Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant provided amended plans to reduce the area subject to the change of use to accord with the agreement of the asset transfer from the Council to Holme Valley Parish Council.

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'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
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within a Conservation Area
- **BE23** – Crime Prevention
- **T10** - Highway safety
- **T19** – Parking Standards
- **EP6** – Development and Noise
- **S1** – Town Centre Uses
- **S14** – Hot Food Takeaways

Supplementary Planning Guidance / Documents:

6.3

- PLP1 Presumption in favour of sustainable development
- PLP3 Location of new development
- PLP13 Town centre uses
- PLP16 food and drink uses and the evening economy
- PLP21 Highway safety and access
- PLP22 Parking
- PLP24 Design
- PLP35 Historic Environment
- PLP48 Community facilities and services
- PLP52 Protection and improvement of environmental quality

National Planning Guidance:

6.4

- 'Achieving Sustainable Development'
- 'Core Planning Principles'
- Section 7 – Requiring good design
- Section 11 – Conserving and enhancing the natural environment
- Section 12 – Conserving and enhancing the historic environment 'Decision taking'

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice, press advert and neighbour notification letters. In response 2 representations were received which are summarised as follows:

- Object to the proposed taxi rank due to potential noise and disturbance and potential anti social behaviour issues which might occur from its operation.
- Object to the blocking up of the door on the right hand side of the building as this prevents the reintroduction of a pay as you go toilet.
- Any materials used to block up doors should be in keeping with the host building.
- Object to any operation after 6pm especially A5 takeaway or taxi office uses as the takeaway use would increase little and noise disturbance to the detriment of local amenity.

7.2 Holme Valley Parish Council – No comment as the Parish Council is the applicant.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- KC Highways Development Management – No objections

8.2 Non-statutory:

- Environmental Services – no objections subject to conditions.

9.0 MAIN ISSUES

- Principle of development
- Heritage and Design
- Residential Amenity and Noise and Odour Pollution
- Highway Safety
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Policies S1 (town centre uses) and S14 (hot food takeaways) of the UDP and Policies PLP13 (town centre uses) and 16 (food uses) of the PDLP also need to be considered in relation to the principle of development. The site is located within Holmfirth Town Centre as defined on the proposals maps for the UDP and PDLP.
- 10.2 The host building forms a public convenience which is now operated by the Holme Valley Parish Council after it was transferred from Kirklees Council to the Parish Council. Under the terms of the transfer, part of the use of the building can be changed to alternative uses, but the majority of the building needs to be retained as a public convenience. The Parish Council have applied to change approximately one third of the building to alternative uses whilst also modernising the existing toilet provision to consolidate the toilet facilities onto one side of the building.
- 10.3 The change of use has been applied for by the Parish Council to help subsidise the modernisation and operation of the public toilets. The Parish Council considers that the existing facilities are not an efficient use of the space in the building and the toilet facilities themselves are in need of being modernised. The Parish Council have stated that from monitoring the normal usage patterns of the existing toilets they are confident that under normal conditions the revised facilities would more than meet public needs.
- 10.4 The proposal seeks a flexible planning permission to allow a possible mix of uses to operate from the building which include A1 retail, A2 professional services, A3 café and A5 hot food takeaway in order to maximise potential future occupiers. Such uses are appropriate within a town centre in accordance with the NPPF, Policy S1 and S14 of the UDP and Policy PLP13 of the PDLP, therefore the principle of changing the use of part of the building to these uses is considered to be acceptable. Whilst it is acknowledged that the area to be changed is small in scale at 20 square metres, which may make certain uses limited in terms of its size there is no principle objection to this. The proposal also allows for the retention of the existing public conveniences which provides a valuable community benefit to Holmfirth and visiting tourists.

- 10.5 The principle of changing the use of part of the building to a flexible use is considered to be appropriate for its town centre location and considered to be acceptable to Planning Officers.

Heritage and Design

- 10.6 The application site is located within the Holmfirth Conservation Area, therefore section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the conservation area. Further guidance on design and heritage is set out in Policies BE1, BE2, BE5 and BE23 of the UDP and Policies PLP 24 and 35 of the PDLP and Policies in Chapters 7 and 12 of the NPPF.
- 10.7 The application includes only minor external alterations to the building which include blocking up one of the external door entrances on the right-hand side of the building with stone to match, and utilising the door on the left hand side to provide access to the new unit. These external alterations are considered to be acceptable and would not be detrimental to the appearance of the host building or the character and appearance of the wider conservation area.
- 10.8 It is noted that an A3 or A5 use would require the installation of an extract ventilation system and this would most likely require the erection of a flue to the rear of the building. No details have been provided for any such system as the future occupier of the building is currently unknown. However in order to protect the character and appearance of the host building and the wider conservation area a condition is attached to the recommendation requiring the submission of details. It is considered appropriate to secure this information by condition as the building may ultimately be occupied by a use which does not require any such system.
- 10.9 In terms of matters of crime prevention the application building is small in scale and it is not considered that the change of use would lead to any detrimental increase in anti-social behaviour given the sites town centre location. The building has been designed with limited openings which would ensure that any potential instances of crime to the building itself would be limited.
- 10.10 In conclusion due to the limited nature of alternations which are required to facilitate the change of use it is considered that the proposal would have an acceptable impact on the conservation and the appearance of the host building.

Residential Amenity and Noise and Odour Pollution

- 10.11 The impact of the proposal on amenity and noise and odour pollution has been assessed by Environmental Services and in relation to Policies D2, EP6 and S14 of the UDP and Policies PLP 16 and 52 of the PDLP and Policies in Chapter 11 of the NPPF.
- 10.12 The site is located adjacent to a car park and Holmfirth bus station, the closest residential property being the living accommodation to Brambles Bar and Café opposite the site approximately 12 metres away to the south east.

There are other residential uses within relative proximity to the site though these are all over 20 metres away.

- 10.13 Environmental Services raise no objection to the proposal; however they have advised that A3 and A5 uses should have their hours of use restricted to 8am to 10pm Monday to Saturday and 8am to 4pm on Sundays and have requested that details of any extract ventilation system is submitted before such uses operate at the site. Such hours are considered reasonable for the proposed use and can be secured by planning condition.
- 10.14 Environmental Services have also requested that the A1/A2 uses have their hours restricted, though they have requested some hours which Planning Officers considered to be overly restrictive. It has therefore been concluded that opening times of 8am to 10pm Monday to Saturday and 9am to 5 pm on Sundays is considered to be appropriate for these uses as they would be lower generators of noise compare to an A3/A5 use.
- 10.15 It is not considered necessary to attach any additional environmental conditions to the operation of the public convenes as these are existing and existing drainage arrangements would be retained.
- 10.16 Subject to the hours of use and conditions set out above the proposal is considered to have an acceptable impact on residential amenity and any disturbance from noise and odour.

Highway Safety

- 10.17 The highway impact of the proposal has been assessed by Highway DM Officer and in relation to Policies T10 and T19 of the UDP and Policies PLP21 and 22 of the PDLP. Highways raise no objection, whilst no onsite parking is provided this is not considered necessary due to its town centre location and it is not considered necessary to require any further information than what is provided in the submission. The application description was amended through the course of the application to remove an initially proposed taxi operation due to concerns with parking arrangements. In summary the application as now proposed is considered to be acceptable from a highway perspective.

Representations

- 10.18 Two representations have been received which raise the following points along with a response to each one in turn.
- Object to the proposed taxi rank due to potential noise and disturbance and potential anti-social behaviour issues which might occur from its operation.
Response: The proposed taxi rank has been removed from the proposal, and as set out above the proposal is not considered to lead to any detrimental anti-social behaviour.
 - Object to the blocking up of the door on the right hand side of the building as this prevents the reintroduction of a pay as you go toilet.
Response: The blocking up the right hand side door allows for the enlargement of the modernisation of the toilet block and planning officers have no objection to this part of the scheme.

- Any materials used to block up doors should be in keeping with the host building.

Response: It will be conditioned that the stone used to block the door up is from a material which matches the host building

- Object to any operation after 6pm especially A5 takeaway or taxi office uses as the takeaway use increase little and noise disturbance to the detriment of local amenity.

Response: As set out above the hours of use will be conditioned allowing a use until 10pm which Environmental Services considered to be acceptable to sufficiently protect local amenity.

11.0 CONCLUSION

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan, the NPPF, the draft local plan and other material considerations. It is considered that the development would constitute sustainable development. The proposal is considered not to have a materially adversely impact on the character of the area, highway safety or residential amenity. It is therefore recommended for approval.

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

1. Standard 3-year deadline for commencement of development
2. Development in accordance with approved plans.
3. Materials for door blocking up to match.
4. A3/A5 hours of use.
5. A1/A2 hours of use.
6. Extract ventilation.

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92605>

Certificate of Ownership – Notice served on/ or Certificate A signed: