
Appeal Decision

Site visit made on 19 December 2016

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th January 2017

Appeal Ref: APP/Z4718/W/16/3158454
156 Trinity Street, Huddersfield. HD1 4DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Halina Bujak against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/62/91526/W dated 18 May 2016 was refused by notice dated 15 July 2016.
 - The development proposed is change of use from residential (Class C3) to a non-residential institution (Class D1)
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 December 2016.

Decision

1. The appeal is allowed and planning permission is granted for change of use from residential (Class C3) to a non-residential institution (Class D1) at 156 Trinity Street, Huddersfield. HD1 4DX in accordance with the terms of the application, Ref: 2016/62/91526/W dated 18 May 2016, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

2. I have taken the description of the proposed development from the Council's decision notice. Although it differs from that stated on the application form, I consider it more accurately describes the proposal.

Main Issues

3. I consider there are two main issues in this case. Firstly, the effect of the proposal on the special architectural and historic interest of the Grade II listed building, and the character and appearance of the Greenhead Park Conservation Area; and secondly, whether the proposal would result in increased pressure for parking on the surrounding streets, and if so whether it would be harmful to highway safety.

Reasons

4. The application relates to a Grade II listed building on a corner plot at the junction of Trinity Street and Vernon Avenue within the Greenhead Park Conservation Area. The building has been used variously as a hotel and social club and appears to have been last used for residential purposes.

5. The application describes the proposal as an education study centre. Supporting information states that the intended use would provide GCSE and 'A' level revision courses, pre-university study skills, English language courses, IT support for senior citizens and a variety of other courses that would benefit the local community. It is indicated that there would be 3 full-time and 8 part-time staff, and that the opening times would be 10.00 - 20.00 Monday to Saturday and 10.00 - 16.00 on Sundays. The appellant states that at this stage, it is not envisaged that any alterations will be made to the building.

Listed Building/Conservation Area Issue

6. Sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* state the need to have special regard to the desirability of preserving listed buildings and any features of special architectural or historic interest they possess. Section 72 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Moreover, paragraph 132 of the *National Planning Policy Framework* (the Framework) says great weight should be given to the conservation of a heritage asset (including listed buildings and conservation areas), and any harm to their significance should require clear and convincing justification. Paragraph 128 places the onus on applicants to describe the significance of any heritage assets affected.
7. Saved Policy BE5 of the *Kirklees Unitary Development Plan* (UDP) says proposals for development in conservation areas, including changes of use, should respect the architectural qualities of surrounding buildings and contribute to the preservation or enhancement of the character or appearance of the area. I have not been referred to any UDP policies in relation to listed buildings.
8. The appellant has not attempted to describe the significance of the building or evaluate the impact of any proposed works on its significance. Nor has a companion listed building consent application been made as would normally be the case, as the appellant says this would follow if planning permission was granted for the change of use. What is evident is that the building is currently disused, and has been for many years, and by 2016 had fallen into a state of disrepair. In April 2016 the Council served an Emergency Prohibition Order under Section 43 of the *Housing Act 2004* stating that hazards exist at the property and, in effect, preventing all uses other than storage.
9. However, the Council has raised no objections to the proposal in terms of its effect on the significance of the listed building and the character and appearance of the conservation, and in the circumstances I find no reason to disagree. The proposal would bring about a viable use for a building which is clearly in need of repair and refurbishment, and would help secure its future. No external or internal alterations are proposed and I note the intention to restore as many original features as possible, and to use the rooms as they exist for teaching purposes and for an office.
10. Taking all these matters together, I consider that the proposal would preserve the special architectural and historic interest of this listed building. For the same reasons I consider that the character and appearance of this part of the Greenhead Park Conservation Area would be preserved, causing no harm to the significance of any of these heritage assets. As such, I find no conflict with UDP Policy BE5 and National planning policy in the Framework.

Parking/Highway Safety Issue

11. The Council's sole reason for refusal relates to highway safety, and its main concern (and that of many neighbours) relates to the intensification of use of the site in the context of added pressures for on-street parking. The application form indicates that 2 No off-street parking spaces would be provided, although subsequent information from the appellant indicates that 4 No spaces could be provided at the rear of the site (including one 'disabled' space). Although no layout plan has been submitted to demonstrate this I am satisfied from my site visit that 4 No spaces could be accommodated in this area.
12. The road junction adjacent to the site has standard waiting restrictions around it and a residents' parking permit scheme is in effect on Vernon Avenue and Trinity Street. There is some unrestricted parking a short distance from the site on Park Drive adjacent to Greenhead Park, although parking along here is often heavily subscribed during the day time. This was evident from my site visit. As such, the Council considers that the level of off-street parking proposed would be wholly inadequate to cater for staff and students, as well as from people dropping off and collecting students.
13. It considers the proposal would worsen levels of parking stress in an area where the majority of free spaces are taken up early in the day by town centre workers, together with parking demands from local residents (many of the large houses are subdivided into flats and student lets), the nearby driving test centre, and from events held at the Caribbean Club and Greenhead Park. It is also concerned that increased parking in and around the busy junction would have a harmful impact on highway safety and traffic management. These views are echoed in the responses received from a number of local residents.
14. Saved UDP Policy T10 says new development will not normally be permitted if it will create or materially add to highway safety problems, or cannot be adequately served by the existing highway network or public transport. Policy T11 says the provision of off-street parking will be required in accordance with the Council's standards as set out in UDP Appendix 2.
15. Based on these standards the Council indicates that 15 No parking spaces should be provided, although has not attempted to quantify this figure. However, Appendix 2 confirms that these are maximum standards, with lower levels of provision being appropriate where the proposed use can still operate effectively or where the developer wishes to provide fewer spaces, unless there would be significant adverse consequences for road safety or traffic management. With similar aims, paragraph 39 of the Framework says that when setting local parking standards, local planning authorities should take into account the accessibility and type of the development, and the availability of and opportunities for public transport.
16. In this case the site is well served by public transport and is on the edge of the town centre where several public car parks are available. Furthermore, given the nature of the proposed use, I accept that many of the primary users of the study centre (students) are unlikely to be car users. The building has been used in the past for various commercial purposes, and it appears to me that almost any future use (other than a single private dwelling) is likely to generate some additional activity and demand for car parking. In any event, an

important material consideration is the fact that the building is listed, vacant and in need of an occupier to help secure its restoration and future. In my view this factor weighs heavily in favour of the proposal, as does the Framework's support for sustainable economic growth and the provision of new jobs.

17. Overall, and based on the nature of the use and the accessible location, I consider the additional demand for parking is likely to be modest and capable of being absorbed into the surrounding streets where some spare capacity exists. Paragraph 32 of the Framework says development should only be prevented on transport grounds where the cumulative impacts would be severe. In this case I consider the impact would be not be severe, and conclude on this issue that the proposal would not lead to a significantly increased demand for parking in the surrounding area or materially harm highway safety. As such, I find no conflict with UDP Policies T10 and T11 and the Framework.

Conditions

18. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. In addition to the standard time condition for the commencement of development, a condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. As potential uses of the building within Use Class D1 could be wide-ranging, I agree with the Council that a condition is needed to restrict the use specifically to an education study centre. This would allow the Council a degree of control over other potential uses in the interests of highway safety and residential amenity. For the avoidance of doubt I have also imposed a further condition which requires the submission and approval of details of the proposed parking area, before the development is brought into use.

Conclusion

19. I have taken account of the individual letters of objection from local residents and the Trinity and Greenhead Residents Association. These relate to the problems arising from parking pressures in the area, the impact on living conditions arising from the proposed opening hours, and a preference for residential use. Taken together, these demonstrate a considerable level of local feeling. Nonetheless, whilst I note these and other concerns, for the reasons given above none is sufficient to alter the considerations that have led to my conclusion.
20. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Lower Ground Floor Plan; Proposed Ground Floor Plan, Proposed First Floor Plan; Proposed Attic Plan, all at 1:100 scale.
- 3) The premises shall be used for an education study centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the *Town and Country Planning (Use Classes) Order 1987* (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The building shall not be occupied until the area proposed for car parking at the rear of the building has been surfaced, marked out, and lit in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 5) The use hereby permitted shall only take place between the following hours:
10.00 – 20.00 Mondays - Saturdays
10.00 -16.00 Sundays.