
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/91872 Alterations to convert existing commercial premises to 4 flats (listed building within a Conservation Area) Methodist Resource Centre, 74, Daisy Hill, Dewsbury, WF13 1LS

APPLICANT

John Sumner, Bluespot
Investments Ltd

DATE VALID

07-Jun-2017

TARGET DATE

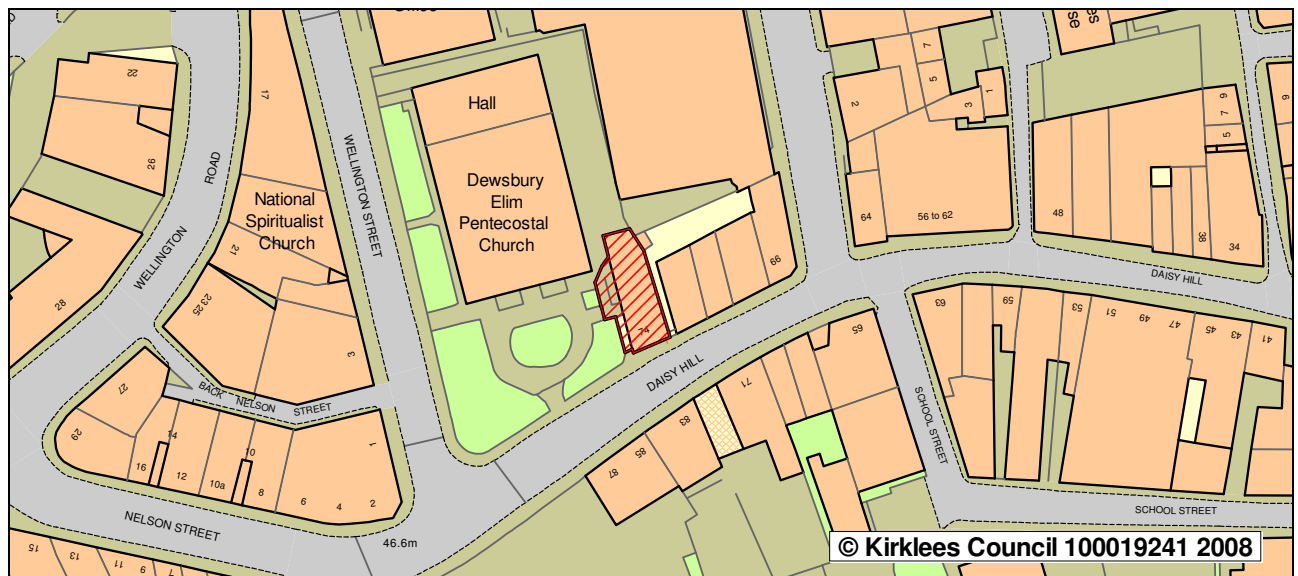
02-Aug-2017

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: Dewsbury East

No

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 The application has been brought to the Heavy Woollen Planning Sub-Committee due to the significant number of representation received in objection. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to no. 74 Daisy Hill, Dewsbury, a 4 storey detached building of traditional design. The building has shop frontage on the ground floor.

2.2 The building is considered to be curtilage listed by virtue of the relationship with the adjacent Grade II Listed Church. It is an attractive traditional building with ashlar stone detailing and timber sash windows.

2.3 Daisy Hill is a steeply sloping cobbled highway, and the surrounding buildings are also of traditional design and construction. The area was formerly predominantly retail in nature however, many of the buildings have now been converted to residential use.

2.4 The site is located within the designated Dewsbury Town Centre Conservation Area.

3.0 PROPOSAL:

3.1 The application is for alterations and change of use to the building to 4 flats. The flats would be one to each floor, with 3 of them being one-bed flats and the remaining flat providing two-bed accommodation. The alterations would be mainly to the front of the ground floor apartment which would involve the replacement of the shop front with stone work and new timber framed windows. The other external alterations would be the replacement of other windows in the building with timber double glazed windows.

4.0 RELEVANT PLANNING HISTORY:

4.1 **2017/92396** – Listed Building Consent for alterations to convert existing commercial premises to 4 flats (within a conservation area) - Associated Listed Building Consent.

4.2 In addition to planning history at the application site itself, there have also been a number of other similar types of planning applications submitted along Daisy Hill. They are as follows:-

- No.68 – 2017/93660 – Change of use from office to 4 flats – Undermined
- Nos.81-83 – 2017/90071- Change of use of ground floor from office (A2) to 2 self-contained flats – Conditional Full Permission
- No.61 – 2016/94038 – Alterations to convert ground floor retail (A1) to dwelling (C3) – Conditional Full Permission
- No.45 – 2016/94011 – Alterations to convert retail (A1) to dwelling (C3) – Conditional Full Permission
- Nos.55-57 – 2016/93336 – Change of use and alterations from letting agency (A1) to residential (C3) – Conditional Full Permission
- No.72 – 2016/93020 – Change of use of office to 3 flats – Conditional Full Permission
- Nos. 81-83 – 2013/91671 – Alterations to convert offices/vacant storage floors to 5 apartments – Conditions Full Permission
- Nos.56-62 – 2013/90099 – Alterations to convert ground floor retail to 4 flats - Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS:

5.1 Concern was raised regarding the floor area of the proposed flats which was below those suggested in the Nationally Described Space Standards. In addition, no bin storage area was indicated on the submitted plans. Amended plans were received on 19/09/17 showing the number of flats reduced to 4 and a storage area for cycles and bins included.

5.2 Following receipt of heritage concerns being raised by the Council's Conservation & Design officer in respect of the opening details at ground floor level, a revised plan was received on 1 December 2017. This has amended the opening detail to include one window on the Daisy Hill frontage at ground floor level which would now match the proportions of the existing windows on the upper floors of this elevation. The plans also propose slight alterations to the side door and window which would be replaced with louvered openings.

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.

The site is unallocated but within the designated Dewsbury Town Centre Conservation Area on the Kirklees UDP proposals map. The site is allocated as being within the Dewsbury town Centre Conservation Area on the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **B4** - change of use of business premises
 - BE1** - Quality of design
 - BE2** - Design principles
 - BE5** - Development within a Conservation Area
 - BE11** - Materials
 - BE12** - Space about buildings
 - EP4** - New development and noise
 - T10** - Highway safety
 - H8** – Change of use to residential

Supplementary Planning Guidance / Documents:

- 6.3 None relevant.

National Planning Guidance:

- 6.4 **Chapter 2** - Ensuring the vitality of town centres
 - Chapter 6** - Delivering a wide choice of quality homes
 - Chapter 7** - Requiring Good Design
 - Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 11** - Conserving and enhancing the natural environment
 - Chapter 12** - Conserving and enhancing the historic environment

- 6.5 Publication Draft Local Plan:

- PLP1** – Presumption in favour of sustainable development
- PLP2** – Place shaping
- PLP 11** - Housing mix and affordable housing
- PLP 15** - Residential use in town centres
- PLP 18** - Dewsbury Town Centre
- PLP21** – Highway safety and access
- PLP24** - Design
- PLP 35** - Historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the original publicity for the application, 18 letters of were objection received. A summary of the issues raised are as follows:-

- Fire risk to residents on upper floors.
- Proximity to church would result in noise disturbance.
- Storage of bins in passageway.
- No space for cycle storage.
- No car parking.
- Flats are very small with poor access.
- Would create extra traffic which would not be good for the area.
- Recommend consulting the Victorian Society due to significance of the church.

7.2 Amended plans were received and subsequently re-publicised. A further two letters of objection were received. Both of these letters were from persons who had previously objected. The concerns issues raised are summarised below:-

- Access to upper flats is still poor.
- Access to cycle store would be up some steps.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: No objection subject to conditions requiring details of travel cards, cycle and waste storage facilities.

8.2 Non-statutory:

KC Environmental Health: Noise report required before development commences.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The site is within the Dewsbury Town Centre Conservation Area, Policy BE5 of the UDP is appropriate and sets out that development is acceptable providing it respects the architectural qualities of surrounding buildings and materials of construction and contributes to the preservation or enhancement of the area.

- 10.2 The site is also adjacent to the church yard of the Elim Pentecostal Church, a Grade II listed building; due to the links with the church and the date of the listing the Methodist Resource Centre building is also considered to be a curtilage listed building.
- 10.3 Chapter 12 of the NPPF is appropriate and states that in assessing an application, consideration needs to be given to the impact of the proposals on the heritage asset; in this case the Conservation Area and the Listed buildings, as such paragraphs 132-135 of the NPPF are relevant and a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage assets.
- 10.4 Policy B4 of the UDP is also relevant for the change of use of premises last used for business and industry; any proposals should have regard to a number of criteria including:
- The suitability of the premises for the continued business use;
 - Compatibility of the proposed use with surrounding uses;
 - The effect on any heritage assets;
 - The effect on local amenity;
 - The effect on highway safety;
- 10.5 The applicant has submitted some supporting information in the Design and Access Statement which addresses some of the issues raised by the policy. Within this area of Dewsbury it is acknowledged that business premises are struggling and the change to residential/ mixed use is acceptable providing the proposals for the alterations reflect the current use and incorporate shop front details to match those on nearby properties.
- 10.6 With regard to housing policy, the Council is unable to demonstrate a five year supply of available housing land sufficient to satisfy the requirements of the National Planning Policy Framework (NPPF). Paragraph 49 of NPPF states that if a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites “relevant policies for the supply of housing should not be considered up-to-date”. Paragraph 14 states that where “relevant policies are out of date” planning permission should be granted unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted. (For example, sites designated as Sites of Specific Scientific Interest; land designated as Green Belt, an Area of Outstanding Natural Beauty...etc)
- 10.7 The proposals relate to a building with an original shop frontage at ground level and which appears to have been purpose built for commercial use. The site is located within the Daisy Hill/Bond Street quarter as indicated in the Dewsbury Design Guide. This area comprises a good mix of uses, however there has been a large number of vacant properties including ground floor businesses and there is the opportunity to increase this mix of uses and provide further residential development. Many of the premises on Daisy Hill have already been converted to residential use as can be seen by the history of applications in this area and by visiting the site.

- 10.8 The application site is outside of the main shopping area and under current UDP policy there is no requirement for the applicant to promote the business for other service uses in this location. As noted above, information has been submitted which states that the property has been vacant for some time. The proposals would also enable the re-use of this curtilage listed building.
- 10.9 On balance, it is considered that, based on the evidence above, the buildings are suitable for residential development and the principle of development has been established.

Urban Design issues

- 10.10 The alterations to form the flats would be minimal with the main changes being to the ground floor shop front which would be partly walled up and new timber double glazed windows inserted. The window surrounds would be in stone.
- 10.11 As noted above the front elevation makes a considerable contribution to the character of this conservation area and as such any alterations should not harm the heritage asset. The amended proposals for a simple window at ground floor level are considered appropriate; the remaining shop front would be walled up with natural stone. A condition should be included that this should be ashlar stone to match that used on the existing ground floor.
- 10.12 The facing stone used should match that used on the first floor in terms of type and course depth and this should be conditioned. In terms of the windows and doors these should be timber with a painted finish and should be set back in the reveal by 75mm minimum.
- 10.13 Subject to conditions regarding materials and windows, the proposals are considered acceptable from an urban design perspective and in accordance with policies D2, BE1, BE2, and BE5 of the UDP, Policies PLP24 and PLP35 of the PDLP, and chapters 7 and 9 of the NPPF.

Residential Amenity

- 10.14 Policy BE12 of the UDP sets out suggested minimum separation distances in relation to proposed new dwellings and existing development. In this instance, the main elevation of the flat would face onto Daisy Hill, across which are premises which have recently been converted into flats (2017/90071) at ground floor level. The proposed plans show that the kitchen and living area of flat 1 would be to the front of the building and the bedrooms and shower room to the rear.
- 10.15 The approved plans for the development across Daisy Hill, nos. 81-83, show that the ground floor flats would have the living areas to the front of the building. There would be a distance of around 11m between the two properties which could cause some overlooking, however this is more likely to occur from passing members of the public as both buildings front directly on to the highway. It is also the case that similar relationships between the opposing buildings and the flats would also occur on the upper floors, however given the constraints of the site and the need to find an alternative and appropriate use for the building, this relationship is considered, by officers, to be acceptable. Other non-habitable room windows are to the side of the building which faces onto a yard area. Taking the above into account, whilst not meeting the all of the specified distances set out in policy BE12 of the UDP, the aims of the policy itself are considered to be met.

- 10.16 With regard to the impact of noise from traffic and the adjacent uses, Environmental Health has been consulted and has requested a condition requiring a noise report to be submitted showing how the development can be carried out without adversely impacting the future occupiers of the flats. This would also include any noise from the adjoining church, which has been raised as an issue by objectors. A ventilation scheme is also required to show how the flat would be ventilated without the need to open windows. These can be combined as one condition. With the inclusion of the suggested conditions, the proposals are considered to comply with the aims of policy EP4 of the UDP and chapter 11 of the NPPF.
- 10.17 On balance, it is considered that the proposed change of use will have a limited, but acceptable impact on residential amenity, and as such is in accordance with policies BE1, BE2, BE12, and EP4 of the UDP as well as chapter 11 of the NPPF.

Housing issues

- 10.18 The proposals are now for 4 flats, a reduction from the original 7 proposed; however this allows for an improved layout, with more internal floor space and as such would provide improved amenity for the occupiers. The 4 flats would add to the diversity of the housing stock in Dewsbury.
- 10.19 The proposals would result in the change of use of premises that were previously used for business and industry; as noted above, Policy B4 is relevant and suggests that this can be acceptable providing a number of criteria are satisfied; this would include suitability of the premises for continued use for business. These premises have been vacant for some time and the proposals would represent an appropriate use in this area given the number of properties which are already converted to residential use.
- 10.20 Policy H8 of the UDP specifically refers to the change of use of buildings to residential. This is considered acceptable subject to issues of employment and character of the area, specifically where the proposals affect a listed building or is within a conservation area. As previously assessed the alterations would be acceptable to this listed building and the issue of employment has also been addressed.

Highway issues

- 10.21 The site is located within the centre of Dewsbury and in close proximity to bus and train services, as well as shopping facilities. It is considered a sustainable location whereby no off-street parking is required. The applicant has proposed cycle storage facilities within the building which would be located on the first floor where there is access to the upper 3 flats. This is not ideal however given that the building is listed the scope for providing these facilities is limited by the layout.
- 10.22 Taking the above into account, the proposals are considered acceptable from a highway safety and efficiency perspective and would accord with the aims of Policy T10 of the UDP and Policy PLP21 of the PDLF.

Drainage issues

- 10.23 The proposals are to use the existing drainage with both foul and surface water to mains sewer. This is considered the only viable option for a conversion in this location and the proposal is considered to comply with the aims of chapter 10 of the NPPF.

Representations

- 10.24 A total of 20 representations have been received. Officers respond to the issues raised as follows:-

- Fire risk to residents on upper floors.
Officer Response: The conversion of the building would require Building Regulations approval (approved document B).
- Proximity to church would result in noise disturbance.
Officer Response: This has been addressed in the assessment above - a noise report would need to be submitted which would be secured by suggested condition.
- Storage of bins in passageway.
Officer Response: An internal storage area has been proposed within the building.
- No space for cycle storage.
Officer Response: An internal storage area has been proposed within the building.
- No car parking.
Officer Response: Due to the sustainable, town centre location of the site, off- street parking is not required.
- Flats are very small with poor access.
Officer Response: The amended plans have reduced the number of flats to 4, increasing the internal floor space.
- Would create extra traffic which would not be good for the area.
Officer Response: Any additional traffic would be limited as there is no off street parking associated with the development. In addition, parking restrictions apply on Daisy Hill.
- Recommend consulting the Victorian Society due to significance of the church.
Officer Response: The Council's Conservation and Design officer was consulted on the associated Listed Building Consent application, reference 2017/92396, which is also being considered on this agenda. The proposals are considered acceptable from a heritage perspective and would comply with the aims of chapter 12 of the NPPF. Furthermore, as set out in the report relating to the associated listed building consent, under the Arrangements for Handling Heritage Applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, Local Planning Authorities are obliged to consult the amenity societies, of which the Victorian Society is one, where applications involve the partial or total demolition of a listed building. In this instance, the proposal does not involve the partial or total demolition of the listed building and therefore consultation with The Victorian Society is not required in this instance.

- Access to upper flats is still poor.
Officer Response: Access is limited by the constraints of the building. It would not be appropriate to carry out large scale internal alterations given the listed building status.
- Access to cycle store would be up some steps.
Officer Response: Access is limited by the constraints of the building. As set out above, it would not be appropriate to carry out large scale internal alterations given the listed building status.

Planning obligations

- 10.25 The scale of the site is below the threshold below which any obligations would be triggered.

Other Matters

- 10.26 As noted above, the building is considered to be listed by virtue of its relationship with the Grade II listed church adjoining the site. The issues related to the listed status of the building are addressed in the associated Listed Building Consent (2017/92396), which is a separate item on this agenda.

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 The proposals would bring back into use this vacant building in this town centre location, where the change of use to residential is considered appropriate development.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and 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. Development shall be begun within three years of the date of this permission.
2. Development carried out in complete accordance with the plans and specifications.
3. Submission of Noise Report before development commences.
4. Provision of bin and cycle storage facilities before development first occupied.
5. Facing material to be natural ashlar stone to match that used on the ground floor front elevation.
6. Windows and doors to be timber frame.

Background Papers:

Link to the application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91872>

Certificate of Ownership – Notice served on owner with Certificate B signed. The Notice was served on The Methodist Church North Kirklees & Morley Circuit, dated 10/07/2017.

Link to the associated listed building consent application:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92396>