
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 25-Jan-2018****Subject: Planning Application 2017/93714 Change of use of hairdresses to self contained flat and alterations 114, Brewery Lane, Thornhill Lees, Dewsbury, WF12 9HG****APPLICANT**

B Mohyuddin

DATE VALID

27-Oct-2017

TARGET DATE

22-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: Dewsbury South

No

Ward Members consulted
(referred to in report)

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 reported to the Heavy Woollen Planning Sub-Committee following a request by Councillor Gulfam Asif who states:

“The reasons for this application be referred to the planning committee is lack of parking on site and highway safety”.

- 1.2 The Chair of the Sub Committee has confirmed that Councillor Asif’s reason for making this request is valid having regard to the Councillors’ Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 No. 114 Brewery Lane, Thornhill Lees is a single storey building constructed of natural stone with pitched slate roof, located close to the junction of Brewery Lane with Lees Hall Road, Thornhill Lees. The property has a surfaced parking area to the rear of the building, accessed off Brewery Lane. The site of the proposed flat is located within an area of mixed uses, incorporating both commercial and residential uses, approximately 400m from the local centre of Thornhill Lees.
- 2.2 Surrounding the site is predominantly residential with a mixture of residential properties within the immediate area. These include properties constructed of a mixture of materials, some of which have been extended (see planning history section of this report). To the rear of the site is Thornhill Lees Wesley Methodist Church which is now an Education Centre.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the change of use of hairdressers’ salon to flat. Each element of the proposal will be discussed below.

3.2 Change of use

The use of the building is proposed to change from a hairdressers' salon to a one bedroom flat. The flat would consist of a living kitchen area, a bedroom, and a shower room.

3.3 External changes

To the front elevation, there will be no changes. To the rear elevation of the building, the existing door opening will be blocked up and replaced by a window opening serving the proposed shower room.

4.0 **RELEVANT PLANNING HISTORY:**

- 4.1 2015/91461 – Change of use from a hairdressing salon (class A1) to taxi booking office (class B1) with associated parking at Lock Street. APPROVED (decision at committee) at no. 114 Brewery Lane.
- 4.2 2017/93013 – Alterations to convert hairdressers to flat INVALID (incorrect certificate and red line boundary) at no. 114 Brewery Lane.
- 4.3 2008/92802 – Erection of two storey extension APPROVED (no. 106 Brewery Lane)
- 4.4 2014/93706 – Erection of an internal first floor mezzanine, two entrances and fire escape, erection of ground floor extensions, alterations to the building and car park layout and conversion of outbuilding to body wash room APPROVED (Education Centre, Lees Hall Road).

5.0 **HISTORY OF NEGOTIATIONS:**

- 5.1 During the course of the application, additional information was requested in the form of Land Registry documentation in order to show the land within the applicant's ownership and rights of access over the yard area to the rear of the site.

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 Nation Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not carry from those within the UDP, do not attract significant unresolved objections and are consistent with the Nation Planning Policy Frameworks (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.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Unallocated land
BE1 - Design principles
BE2 – Quality of design
BE12 – Space about dwellings
T10 – Highways Safety
T19 – Parking Provision
EP4 – Noise sensitive and noise generating development
G6 – Contaminated Land

6.3 National Planning Policy Framework (NPPF):

Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 11 – Conserving and enhancing the natural environment

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

PLP2 – Place Shaping
PLP21 – Highway Safety and Access
PLP22 - Parking
PLP24 – Design
PLP51 – Protection and improvement of local air quality
PLP53 – Contaminated and unstable land

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Two representations have been received. All representations will be summarised and addressed in section 10.0 of this report.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

K.C Environmental Health (pollution and noise) – no objection subject to conditions relating to contaminated land and electric charging points.

K.C Highways Development Management – no objection.

8.2 **Non-statutory:**

None

9.0 MAIN ISSUES

- Principle of development
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

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]”. Subject to other material considerations being addressed, the proposed change of use would be acceptable in principle in relation to policy D2.
- 10.2 The general principle of changing the use of a building from a hairdressing salon to a flat is acceptable. The application site is located within a sustainable location in close proximity to the Thornhill Lees local centre. The application site is also in close proximity to other residential properties and therefore its proposed use is compatible with the surrounding uses.

Visual amenity/local character:

- 10.3 The impact on visual amenity is acceptable. The external alterations to the property would be concentrated on the rear elevation. The replacement of the door to a window is considered to be a very minor change to its appearance and, given its materials, scale and design, which matches the existing openings, would not be an incongruous feature that would detract from the character of the building. It would not be visible in the streetscene and would not change the appearance of the building very significantly.

Summary

- 10.4 In all, given that the main component of this application relates to the change of use and there are not many external changes required to facilitate this, the proposal is acceptable in terms of visual amenity. The proposal is considered to comply with the aims of policies D2, BE1, BE2 and Chapter 7 of the NPPF as well as policy PLP24 of the Kirklees Draft Publication Local Plan.

Residential Amenity:

- 10.5 The impact on residential amenity is acceptable. One objection has been received.
- 10.6 Following a formal consultation with K.C Environmental Health, there is no objection relating to noise/pollution.
- 10.7 Given that there are no external extensions, there would be no overbearing impact on neighbouring dwellings.
- 10.8 Policy BE12 relates to space about dwellings. In this case, there are two habitable room windows in the front elevation which look onto Brewery Lane, with the closest neighbouring property being no. 242/244 Lees Hall Road. There is an indirect relationship with these properties which do not have openings in their side elevation. Given that there is no window-window relationship, 12 metres is required to comply with UDP policy BE12. In this

case, there is a distance of 25 metres between the sites, officers consider that there will be no overlooking/loss of privacy and the proposal complies in this regard.

- 10.9 With regards to the openings to the rear of the site, there is a living kitchen and shower room area. A condition has been recommended to ensure that the shower room is obscurely glazed. The living kitchen window will not overlook residential properties. Instead, it faces the hardstanding area of the building which is used as an education centre. This area of hardstanding is visible from the streetscene (not private amenity space) and there is a stone wall between the sites. Officers consider that there will be no overlooking/loss of privacy. There is a distance of at least 1.5 metres which is the distance stipulated in UDP policy BE12.

Summary

- 10.10 To conclude, officers consider that the proposal complies with UDP policy BE12 and would not cause harm to residential amenity to surrounding properties by virtue of overbearing or an overlooking impact.

Highway issues:

- 10.11 Following a formal consultation with Highways Development Management (HDM), there is no objection to the proposal. Given that the proposed flat would accommodate 1 bedroom, a maximum of one parking space is suggested in relation to Policy T19 of the UDP. Taking this into account, during the course of the application, an additional plan was submitted which showed the provision of one parking space in the existing hardstanding yard area to the rear of the site.
- 10.12 Although there is an existing hardstanding yard area to the rear of the site, on the basis of the information submitted, it is evident that only part of this area is within the ownership of the applicant. Following a site visit by the case officer and the Highways DM Officer, and in light of representations received, it is acknowledged that the one parking space shown on the additional plan, and when taking into account the on-site constraints, would be of an inadequate size to accommodate one vehicle.
- 10.13 However, given the fact that the site is in a sustainable location approximately 400 metres away from Thornhill Lees local centre and the small scale of the development, the requirement for a car parking space within the site is not considered necessary to allow the development to be acceptable in this instance. To add further weight to this, consideration also needs to be given to the existing use/potential use of the site.
- 10.14 The use of the building as a flat will not lead to an intensification of the existing use, or potential use, of the site. The building has consent for a taxi booking office and the site's previous use was as a hairdressers' salon, which falls within Class A1 of the Town and Country Planning (Use Classes) Order, meaning that the premises could be used for other retail uses. The potential for the above uses is considered to be more intense in terms of the number of vehicular movements associated with the site than the residential one bed flat proposed.

10.15 The Council's Highway Safety team has also been consulted on the application and they have no objection to the proposal. It is noted that there are highway safety schemes proposed on Lees Hall Road but this change of use proposal is not considered to compromise this.

Summary

10.16 For the above reasons, there will be no highways safety issues over and above the existing situation. Taking into account the above information, the proposal is considered to comply with policy T10 of the UDP as well as policy PLP21 of the PDL.

Representations

10.17 Two representations have been received. Officers respond to the issues raised as follows:

- Why does he need parking space for 4 vehicles? There is only a small space at the back (there is a back door there).

Officer response: *Reference was made on the application form to the existing provision of parking for 4 vehicles within the site. However, as set out in the main assessment above, the proposed use, due to its small scale and sustainable location, and when taking into account the previous/potential use of the site, is not considered to require the provision of a parking space within the site.*

- Enough vehicles parked around here as it is – people going to the mosque and the barbers. Our visitors cannot find anywhere to park – where is the applicant going to park 4 cars.

Officer response: *As set out in the assessment above, the small scale development being proposed would only generate the maximum provision of one car parking space.*

- Son had car scratched all the way down one side

Officer response: *this is not a material planning consideration.*

- Query relating to applicant demonstrating that notice has been served.

Officer response: *there is no demand on a developer to provide confirmation of this.*

- Why should anyone be put to expense/inconvenience to prove right of access?

Officer response: *matters relating to land ownership are not a material planning consideration.*

- Original claim untrue/ red line remains visible

Officer response: *ownership certificate B has been signed and therefore the application is now valid.*

- Highways safety schemes proposed in the area but officers approving further residential development/ parking concerns relating to visitors parking close to the junction.

Officer response: *this is addressed in the highway safety section of this report. Following consultation with Highway Safety, it is considered that the proposals would not impact upon the highway safety schemes proposed within close proximity to the application site.*

See below for officer responses relating to Councillor Asif's concerns:

- Lack of parking on the site

Officer response: *this has been addressed in the highway safety section of this report.*

- Highway safety

Officer response: *comments have been received from Highways Development Management and Highways Safety. There is no objection in this regard.*

11.0 CONCLUSION

- 11.1 Taking the above into account, the proposed change of use is considered to be less intensive than the previous use of the site as a hairdresser's (with the potential for other A1 uses e.g. retail) or the previously approved taxi booking office. In addition, due to its sustainable location, it is not considered necessary in this instance to provide the one car parking space to serve the development within the application site. It is the view of officers that the small-scale nature of this development would not lead to significant highway safety implications and therefore, the proposal would accord with the aims of policies D2 and T10 of the UDP.
- 11.2 Furthermore, due to the minor works proposed to the external appearance of the existing building, the proposal is not considered to result in any undue harm to visual amenity. In addition, the proposed use is considered compatible with the nearby residential premises and would therefore lead to no undue harm to residential amenity either.
- 11.3 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.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations and 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. 3 year time limit to commence development
2. Development carried out in accordance of approved plans
3. Reporting of unexpected contamination
4. Footnote re hours of construction
5. Shower room window obscurely glazed
Footnote re ownership

Background Papers:

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/93714>

Certificate of Ownership – Certificate B signed and dated 28th September 2017.
Notice was served on Mrs M Newall of 248 Lees Hall Road, Thornhill Lees.