
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Apr-2019

Subject: Planning Application 2018/93781 Change of use of existing post office into living accommodation and erection of new Post Office/General Store (modified proposal 2014/90895) with raised garden area and drive to rear Hightown Post Office, 483, Halifax Road, Hightown, Liversedge, WF15 8HU

APPLICANT

Richard Walker,
Hightown Post Office
Store

DATE VALID

29-Nov-2018

TARGET DATE

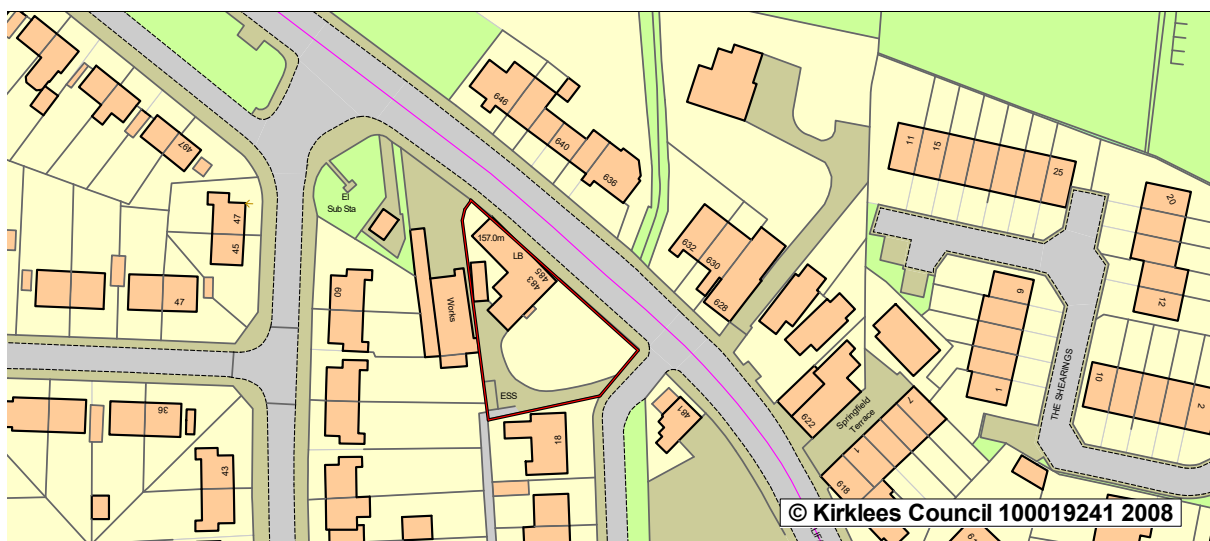
24-Jan-2019

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: Liversedge and Gomersal

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:

- 1. Await the expiration of site publicity (16 April 2019)**
- 2. Complete the list of conditions including those contained within this report**
- 3. Secure a S106 agreement to cover the following matters:**
 - Require the existing retail shop to be converted into habitable accommodation in association with 483 Halifax Road and not retained as a retail unit.**
 - Restrict occupation of 483 Halifax Road to that of the operators of the new store only**

1.0 INTRODUCTION:

1.1 The application was previously brought to the Heavy Woollen Planning Sub Committee on 7 February 2019 where members resolved to defer the application in order to allow the applicant to consider the following matters:

- Consider reducing the height and pitch of the roof of the building;
- Width of narrowed footpath to rear to be widened to minimum 1.8m;
- Dwarf wall to rear area to be reduced in width to allow 2-3 staff car parking spaces only;
- Extra space for bin and refuge area to be created.

1.2 Amended plans/additional information has been received from the agent in order to address the above matters, and Officers consider that on the basis of these amendments, the previous reasons for refusal have, on balance, been addressed.

2.0 SITE AND SURROUNDINGS:

2.1 The application site was formerly a grassed area of land which appeared to be part of the garden associated with no.483 Halifax Road, Hightown, Liversedge. This existing building contains a post office/store (Hightown Post Office) within the single storey building which runs adjacent to the highway and a two storey dwelling which is sited at 90 degrees to the post office/store and within the ownership of the applicant.

- 2.2 Planning permission was granted under application 2014/90895 for the erection of a new single storey general store immediately to the south of no.483 (the existing post office/store). A building has now been predominantly completed on site however, it has not been built in accordance with the above referenced planning permission.
- 2.3 The surrounding area is predominantly residential though there are open fields allocated as Urban Green Space located further north, on the opposite side of Halifax Road. A Public Right of Way (PROW), referenced SPE/94/60, runs along the southern boundary of the site and subsequently along the rear of the dwellings on Springfield Drive and First Avenue (it then splits and heads either east (SPE/94/70) onto Teasel Close (and then Halifax Road) or west (SPE/94/50) onto First Avenue).

3.0 PROPOSAL:

- 3.1 The applicant has been granted planning permission (application ref: 2014/90895) for the erection of a building to facilitate a new general store together with the change of use of the majority of an existing post office/store into habitable accommodation at 483 Halifax Road, Hightown.
- 3.2 The current application was submitted in relation to the building as constructed (which is not in accordance with the approved planning application). The applicant's agent stated that the alterations had been carried out contrary to the approved permission in order meet building regulations requirements for a building of this nature (i.e. to facilitate the damp proof course for the disabled level threshold and in order to meet criteria on ventilation in a store) and to gain height within the roof void to provide for storage.
- 3.3 Members considered the proposals as submitted at the Heavy Woollen Planning Committee on 7 February 2018 and deferred the application in order for the applicant to consider amending specific aspects of the development relating to the appearance and layout of the development, in order to address highways, visual and residential amenity concerns that were raised by officers.
- 3.4 The applicant has recently submitted amended plans indicating the following:
- a partial lowering of the ridge by 600mm at the south eastern end of the building
 - Re-positioning of new fence in order to allow public footpath (SPE/94/60) to be its recorded width of 1.8m
 - Widening of point of access off Springfield Drive to 4.5m
 - Provision of bin store within the site
 - Supporting information relating to the number of employees and frequency of deliveries to the store
 - Agreement that the main house can be 'tied' to the new general store as part of the updated S106 Agreement

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/90895 – Change of use of existing post office into living accommodation and erection of new general storey – granted with a section 106 agreement
- 2007/93998 – Erection of ground floor extension, approved
- 2005/92191 – Erection of single storey extension, approved

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

- 5.1 Since the Heavy Woollen Planning Sub Committee on 7 February, Officers have held discussions with the applicant and agent regarding the matters on which the application was deferred. Following these discussions, the applicant has recently submitted amended plans indicating the following:

- a partial lowering of the ridge by 600mm at the south eastern end of the building
- Re-positioning of new fence in order to allow public footpath (SPE/94/60) to be its recorded width of 1.8m
- Widening of point of access off Springfield Drive to 4.5m
- Provision of bin store within the site
- Supporting information relating to the number of employees and frequency of deliveries to the store

- 5.2 Negotiations have also taken place between Officers and the applicant with respect to the impact of the development on residential amenity and options to mitigate this. The applicant has agreed to include in the S106 Agreement that the existing dwelling would be ‘tied’ to the general store.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan (2019):

- **PLP 1** – Achieving sustainable development (as modified)
- **PLP 2** – Place shaping (as modified)
- **PLP13** – Town Centre Uses (as modified)
- **PLP21** – Access (as modified)
- **PLP 22** – Parking (as modified)
- **PLP 24** – Design (as modified)

National Planning Policy Framework:

- **Chapter 6** – Building a strong competitive economy
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 12** – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by site notice, neighbour notification letter and press advert, with further rounds of publicity carried out following receipt of amended plans.

7.2 Seventeen representations were received in objection to the application as a result of the original and second round of publicity and these were reported to the last Committee. The concerns raised are summarised as follows:

- The building is an eyesore
- No parking has been provided for vehicles
- The loss of the bushes
- The size and height of the building are far too large and out of character with the area
- The building interferes with access and visibility for road users entering and leaving Springfield Drive
- The builders have not been wearing high vis, the cement mixer has been blocking the pavement and the workmen have been working at height with no safety equipment
- The building is overbearing on Springfield Drive
- The use of illuminated signage for the shop would be out of place in the area
- The larger development is not a slip up but a deliberate choice of the applicant contrary to the permission granted
- Why were the neighbouring properties opposite not notified of the original application
- The applicant and the agent are making a mockery of the Planning Department
- The applicant has ignored the Council's request to stop works until the lack of planning has been resolved

7.3 Twenty-nine representations were also received in support of the scheme which expressed the following views:-

- Provision of better facilities including disabled access and wider range of products
- The building is in keeping with the area
- The new shop would not change the existing parking provision
- The store and its owners are an asset to the area
- Encouraging small businesses to expand
- Creation of jobs
- Shutting the shop would be inappropriate

7.4 Following receipt of the most recent amended plans and information, a further round of publicity has been carried out. No representations have been received to date however, should further representations be received, they will be reported in the update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: On balance, no objections following receipt of amended plans and further information.

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Impact on Town and Local Centres
- Visual Amenity
- Residential Amenity
- Highway issues including Public Rights of Way
- Conditions
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 Local Plan Policy 1 (as modified) states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

10.2 The application has no specific allocation within the Kirklees Local Plan. As such Policy PLP 24 (as modified) is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Impact on Town and Local Centres

10.3 A post office/general store is a retail unit (A1) within the Use Classes Order and as a retail unit; these should be located within town or local centres. The application site is outside of a defined local centre with the closest being Roberttown, Littleton or Scholes, all of which are a considerable distance away.

10.4 The existing post office/store has been in place for a considerable period of time and is a well-established part of the local community. It is therefore considered that as there is already a retail unit in this location then the principle of a replacement unit is acceptable and would have a very limited impact upon the neighbouring local centres.

- 10.5 The application proposes to change the use of the off licence/shop element of this into habitable accommodation to be associated with the existing dwelling and retain only the post office counter. Should this current amended scheme be approved, the applicant would need to enter into a new S106 Legal Agreement to ensure that the existing retail shop is to be converted into habitable accommodation and not retained as a retail unit. This would ensure that the development would comply with current town centre policies.

Visual Amenity

- 10.6 The design of the previously approved building would have been very similar to the existing single storey post office building. The plans agreed included a long, rectangular building with a hipped roof. This would have mirrored the design and appearance of the existing building and would have been constructed using stone which would have been sympathetic in appearance to the surrounding properties. It was considered therefore that the new shop building would not have appeared out of character with the surrounding area.
- 10.7 As members will recall, the proposals put forward at the Planning Sub-Committee Meeting on 7 February comprised a building of substantial height with pitched roof, contrary to that which was previously approved. Furthermore, works had been carried out to the rear of the building to provide a parking area which were considered to be detrimental to highway safety.
- 10.8 The recently submitted amended plans indicate a partial reduction in the ridge height of the building by 0.6m at its south eastern end, adjacent to the junction with Springfield Drive. Officers consider that this amendment does reduce the overall bulk and massing of the building compared to the existing situation, and would, on balance address previous concerns with regard to the impact of the development on visual amenity.
- 10.9 The facing materials of the building comprise a mixture of natural stone to the front elevation with the use of render to the side and rear. The use of render is evident elsewhere in the vicinity of the site, and therefore this combination of materials is considered to be acceptable, in accordance with Policy PLP 24 (as modified) of the Local Plan.
- 10.10 In summary, following receipt of amended plans, whilst the preference of officers would have been to revert to a building of the height previously approved, on balance, and taking a pragmatic approach, the reduction of part of the ridge height and in-filling of the gable adjacent to the access into Springfield Drive would create a more satisfactory building mass when approaching the site from the south. As such, and when acknowledging the case of the applicant in that there are a mix of building types and scales in the vicinity, the proposed amendments are considered by officers to be, on balance, satisfactory and in accordance with the aims of Policy PLP24 (as modified) of the KLP and Chapter 12 of the NPPF. The suggested reason 1 for refusal set out in the Heavy Woollen Planning Sub-Committee agenda dated 7 February 2019 is considered by officers to have been addressed.

Residential Amenity

- 10.11 Whilst there are a number of residential properties within the locality, none would be directly affected by this proposal. There would be a distance of approximately 25m between the front elevation of the building and the dwellings on the opposite side of Halifax Road and a distance of 15m from the rear to the side gable of 18 Springfield Drive. Because of the relationship between this property and the new building, there would be no significant detrimental impact to this dwelling as a result of the proposal.
- 10.12 Although the building is higher than the originally approved single storey structure, it is still some distance from the nearest neighbouring properties and as such would result in no significant harm to the amenities of the occupiers of the neighbouring properties on the opposite side of Halifax Road and on the opposite corner with Springfield Drive.
- 10.13 Notwithstanding the above, the increased height of the building would have an overbearing and oppressive impact on the first floor window of 483 Halifax Road. This dwelling is currently occupied by the applicant, however the impact upon the main house is still a consideration and as such, the larger building is considered to be harmful in terms of residential amenity. The applicant's agent states that the majority of properties within the area are of a two storey scale and higher than the new store, and that any potential future purchaser of the dwelling would be aware of this.
- 10.14 Officers have taken the above into account however, because of the close proximity of windows to the new, higher building, the impact would still be significantly adverse to occupants of this property. As such, after careful consideration, officers consider that the potential impact upon the amenity of future occupiers could be mitigated by restricting the occupation of the dwelling to that of the operators of the store only. This could be secured as part of the S106 agreement. This has been agreed with the applicant.
- 10.15 To summarise, subject to the securing of the S106 agreement restricting the occupation of the dwelling to that of the operators of the store only, reason 3 for refusal set out in the previous Heavy Woollen Planning Sub-Committee agenda dated 7 February 2019 is considered, by officers, to be addressed. The proposal is considered, on balance, to be satisfactory from a residential amenity perspective and would comply with the aims of Policy PLP24 of the KLP and chapter 12 of the NPPF.

Highway issues

- 10.16 The application as originally submitted raised a number of highway safety concerns with respect to the parking layout, width of access, reduced width of public footpath and insufficient bin storage and collection point. The most recently received amended site layout plan demonstrates the increase in width of the public footpath and access point, with bin storage point identified, and reduction in the extent of the raised terrace to the rear of the building. The applicant has also confirmed that deliveries will not be taken at the rear of the building, but will be instead unloaded at the front of the site once per week. Parking provision for customers would remain as existing on street to the front of the site.

- 10.17 Beyond the access point, the width of the access would be limited to 3.5m. However, as the rear parking area would not be for the use of customers, and taking into account the proposed restriction in the occupancy of the dwelling as set out above, KC Highways Development Management consider the proposals to be acceptable, on balance, and in accordance with Policy PLP 21 of the Kirklees Local Plan.
- 10.18 To summarise, reason for refusal 2 as set out in the previous Heavy Woollen Planning Sub-Committee agenda and update dated 7 February 2019 have been addressed following receipt of amended plans and subject to the S106 Agreement.

Representations

- 10.19 Seventeen representations were received in objection as a result of the initial and second round of publicity, which expressed the following views:-
- The building is an eyesore
Response: *This is a material consideration as it relates to visual amenity. Amended plans have now been received and the impact on visual amenity is considered, on balance, to be acceptable.*
No parking has been provided for vehicles
Response: *This is a material consideration as it relates to highway safety and is addressed above.*
 - The loss of the bushes
Response: *This is not considered to be of significant detrimental impact to visual amenity.*
 - The size and height of the building are far too large and out of character with the area
Response: *This is a material consideration as it relates to visual amenity. Amended plans have now been received and the impact on visual amenity is considered, on balance, to be acceptable.*
The building interferes with access and visibility for road users entering and leaving Springfield Drive
Response: *This is a material consideration as it relates to highway safety. Amended plans have been received which address highways concerns and the proposal is now considered to be acceptable, on balance, from a highway safety perspective.*
 - The builders have not been wearing high vis, the cement mixer has been blocking the pavement and the workmen have been working at height with no safety equipment
Response: *This is not a material consideration as safety at work is the remit of the Health & Safety Executive,*
 - The building is overbearing on Springfield Drive
Response: *This is a material consideration as it relates to visual amenity. The amended plans indicate a reduction in the ridge height of the building at the south eastern end, adjacent to the junction with Springfield Drive, which is considered to alleviate the impact upon visual amenity.*
 - The use of illuminated signage for the shop would be out of place in the area
Response: *This is not a material consideration for this application as it is the subject of a separate application, 2018/93566*
 - The larger development is not a slip up but a deliberate choice of the applicant contrary to the permission granted
Response: *This is not a material consideration.*

- Why were the neighbouring properties opposite not notified of the original application?
Response: *This is noted. At the time of the previous application, a site notice was posted in the vicinity of the site and neighbour notification letters sent to those properties adjacent to the site. In relation to the current application, the neighbours opposite and adjacent the site were notified by neighbour notification letter, and a site notice was posted in the vicinity of the site.*
- The applicant and the agent are making a mockery of the Planning Department
Response: *This is not a material consideration*
- The applicant has ignored the Council's request to stop works until the lack of planning has been resolved
Response: *This is not a material consideration. The applicant and agent have both been made aware that any further work carried out is at their own risk.*

10.20 Twenty-nine representations were also received in support of the scheme which expressed the following views:-

- Provision of better facilities including disabled access and wider range of products
Response: *This is not a material consideration*
- The building is in keeping with the area
Response: *This is a material consideration as it relates to visual amenity. Amended plans have now been received and the impact on visual amenity is considered, on balance, to be acceptable.*
The new shop would not change the existing parking provision
Response: *This is a material consideration as it relates to highway safety and has been addressed within the Highway section of this report*
- The store and its owners are an asset to the area
Response: *This is not a material consideration*
- Encouraging small businesses to expand
Response: *This is a material consideration and is a factor in the decision making process. The economic benefits of encouraging businesses to grow are not in dispute. This has to be balanced against all other material considerations.*
- Creation of jobs
Response: *This is a material consideration and is a factor in the decision making process. The formation of jobs is an important issue within the district and is normally something the Local Planning Authority wish to support. This has to be balanced against all other material considerations.*
Shutting the shop would be inappropriate
Response: *This is not a material consideration.*

10.21 The most recent amended plans and information have been re-advertised and any representations received as a result of this will be reported in the update. To date, prior to the publishing of this agenda, no further representations had been received.

Other Matters

10.22 Since this is a retrospective application, careful consideration needs to be had with regard to the timing of the works. Officers suggest the following, which would subsequently be secured via condition, would be reasonable time frames:-

- Reduction in ridge height of part of building – *completed within 6 months from the granting of planning permission*
- Re-positioning of fence in order to allow 1.8m width for PROW – *completed within 3 months from the granting of planning permission*
- Re-positioning of the terrace/widening of access into the site – *completed within 6 months from the granting of planning permission*
- Provision of bin store – *before the new store is first brought into use*

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.

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. Time Limit for implementing works (as set out in paragraph 10.22)
2. Development in accordance with approved plans
3. Materials
4. Surfacing and drainage

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f90895>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93781>

Certificate of Ownership –Certificate A signed and dated 14/11/2018