
Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Oct-2019

Subject: Planning Application 2019/90155 Change of Use and alterations to convert trade counter retail unit to function room Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU

APPLICANT

Messrs Patel, Patel and
Adam, A&P UK Ltd

DATE VALID

22-Jan-2019

TARGET DATE

19-Mar-2019

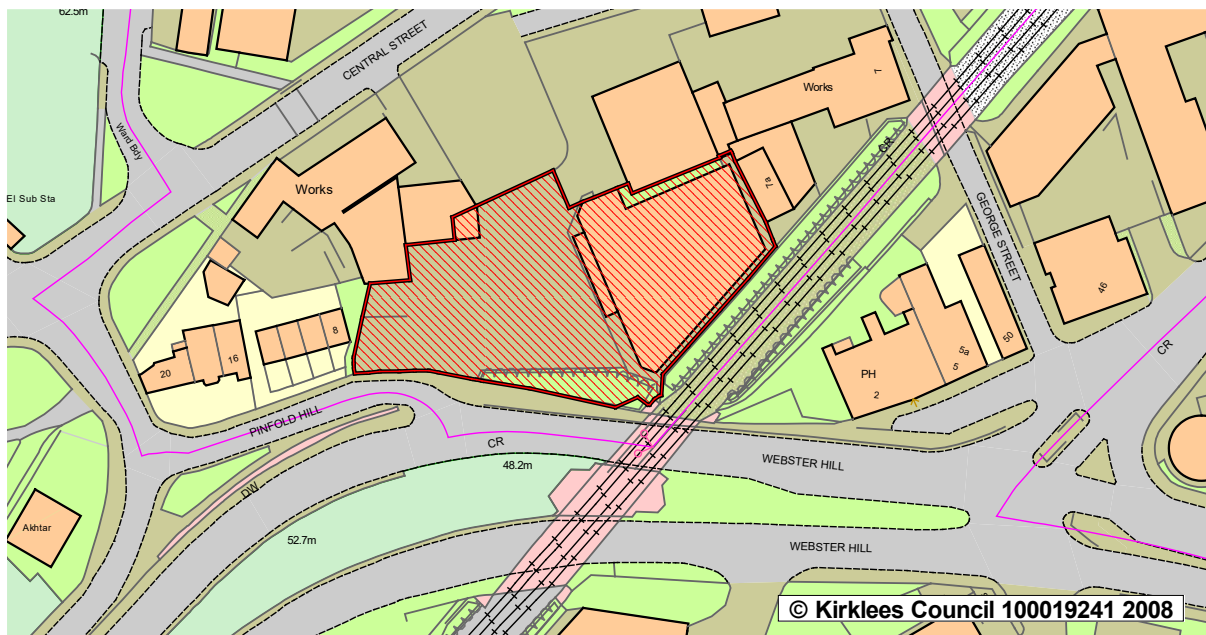
EXTENSION EXPIRY DATE

25-Oct-2019

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<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.

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE

1. The applicant has failed to demonstrate within the submitted Impact Assessment that the proposals would not have a significant adverse impact upon the viability of existing businesses within the defined Town Centre of Dewsbury and the wider vitality of the Town Centre. The proposals are therefore considered to be contrary to the aims of Policies LP 13 and LP 18 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

2. The applicant has failed to demonstrate that the proposals would not have an unacceptable adverse impact on highway safety and the operation of the local highway network. The proposals are therefore considered to be contrary to the requirements of Policies LP 16, LP 21 and LP 22 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application has been brought to Committee at the request of Ward Councillor Lukic as the application has generated significant public interest and concerns over noise and highway issues and potential inaccuracies / omissions in the supporting information.

1.2 The Chair of the Sub-Committee has confirmed that Cllr Lukic's reasons for referral to committee are valid having regard to the Councillor's Protocol for Planning Committees.

1.3 An extension of time to the determination date has been agreed on the application until 25th October 2019.

2.0 SITE AND SURROUNDINGS:

2.1 The building is a large brick building with a grey metal clad pitched roof, located in an elevated position above the adjacent dual carriageway. There is a car park to the front of the building with an access from Pinfold Hill close to the junction with Huddersfield Road/Webster Hill.

- 2.2 The warehouse consists of a large storage area with a showroom and small trade counter; there is a further storage area on a mezzanine level above the showroom.
- 2.3 Immediately adjacent to the south east boundary of the site runs the Trans-Pennine railway on an elevated viaduct close to Dewsbury Railway Station.
- 2.4 To the north and east of the site are other small industrial buildings and workshops, and to the west, adjacent to the car park is a row of terraced dwellings.
- 2.5 The site is unallocated on the Kirklees Local Plan and outside of the defined Dewsbury town centre.

3.0 PROPOSAL:

- 3.1 The proposal is for the change of use and alterations to convert the existing trade counter retail unit to a function room; the supporting information states that this would be used for birthday parties, weddings, parties generally and other celebratory events.
- 3.2 The proposals involve alterations to the external appearance of the building in the form of the application of coloured polymer render to the front elevation. The existing window frames will be painted grey.
- 3.3 A Transport Assessment has been submitted with the application which provides details of parking arrangements and how the premises would be accessed by other modes of transport including walking.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 91/01520 Erection of single storey warehouse and sales outlet - Approved

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

- 5.1 20/02/19 - Sequential Retail Test and Impact Assessment requested and subsequently received.

24/06/19 - Additional information received. Updated Retail Sequential Test and Highways Technical Note 2.

2/08/19 - Highways Technical Note 3 received.

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).

The application site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (2019):

LP 1 - Presumption in favour of sustainable development

LP 13 - Town centre uses

LP 16 - Food and drink uses and the evening economy

LP 18 - Dewsbury Town Centre

LP 21 - Highway safety and access

LP 22 - Parking

LP 24 - Design

LP 51 - Protection and improvement of local air quality

LP 52 - Protection and improvement of environmental quality

6.3 Supplementary Planning Guidance / Documents:

None relevant

6.4 National Planning Guidance:

Chapter 2 – Achieving sustainable development

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 12 – Achieving well designed places

Chapter 15 – Conserving and enhancing the natural environment

Access Considerations

6.5 The proposals are for a change of use and would include alterations to the entrance to the building, as such the applicant would need to consider providing inclusive public access. Paragraph 127 f) of the NPPF suggests that planning decisions should ensure that developments create places that are safe, inclusive and accessible; and Policy LP24 of the KLP states that proposals should promote good design by ensuring that the needs of a range of different users are met, including disabled people.

6.6 The Code of Practice BS 8300 and Part M of the Building regulations are the most appropriate method for this to be delivered and a footnote shall be included with any permission drawing this to the attention of the applicant.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the statutory publicity for this application, two letters have been received from same person. The issues raised are summarised below:

- Accuracy of the supporting information which does not mention houses on Pinfold Hill regarding the impact of noise.
- The highways Statements fail to address the issues of coach parking and the use of other car parks by 3 other banqueting suites.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – Object on highway operational and safety grounds. Significant concerns regarding the parking problems that are anticipated with the proposals. These have not been addressed by the submitted information.

KC Environmental Health - No significant objection however concerns raised regarding disturbance from noise. If approval were to be granted, conditions recommended regarding submission of a noise report, noise management plan, lighting report and electric vehicle charge point.

Network Rail - No objection in principle. A Method Statement is required regarding the installation of the external stairs.

8.2 Non-statutory:

KC Town Centre Policy Team – The submitted Impact Assessment fails to fully assess the impact on existing businesses with the town centre.

Crime Prevention - General advice received regarding the security of the building, car park and any cycle storage facilities.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The application relates to the change of use of an existing business premises to a function room/wedding venue.

10.2 Policy LP1 of the Kirklees Local Plan (KLP) suggests that the Council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

- 10.3 Chapter 7 of the National Planning Policy Framework (NPPF) is relevant and suggests that main town centre uses should be located within town centres. In this instance, the proposed use is for a wedding venue / function room; this would be considered a main town centre use.
- 10.4 Consistent with the above, Policy LP13 of the KLP suggests that town centres (as defined in policy LP13), should be the focus for the provision of retail and local services. As this site is not within a defined town centre, a Sequential Test is required to show why town centre premises are not suitable.
- 10.5 In addition, the floorspace of the building, at 826 square metres for the venue, would exceed the threshold of 300 square metres in this case, given in Policy LP13 of the KLP whereby an Impact Assessment on Dewsbury Town Centre is also required.
- 10.6 Policy LP16 of the KLP is also relevant for the above proposals and deals with food and drink uses and the evening economy. Proposals can be acceptable outside of a defined centre subject to the requirements of policy LP13 in terms of the Sequential Test and Impact Assessment and subject to the following criteria:
- The impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
 - The potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
 - The availability of public transport, parking and servicing;
 - Highway safety;
 - The provision of refuse storage and collection; and
 - The appearance of any associated extensions, flues and installations.
- 10.7 In terms of the Sequential Test, an initial supporting statement was submitted on 20/02/19; this suggested that the catchment area would be Dewsbury, but failed to clearly define why, in terms of the business model this was the defined area of search. A number of town centre premises were identified and discounted as not fulfilling the requirements of the applicants.
- 10.8 A Town Centre Impact Assessment was also submitted but did not include an assessment of the current health of Dewsbury Town Centre and the likely trade draw that may occur.
- 10.9 Amended supporting information was received on 24/06/19 and provided additional information regarding the scope of the Sequential Test and the size of building required. The Council's Town Centre Policy officer noted that whilst there was no further information regarding the business model, the information stated that the venue was intended to serve the local community within the Dewsbury area. Read in conjunction with the Design and Access Statement which refers to the function room being for the "*local community to be used for birthday parties, weddings, parties generally and other celebratory events*", the Policy Officer is satisfied that this addresses the requirements for the Sequential Test.

- 10.10 With regard to the Impact Assessment on Dewsbury Town Centre, the applicant has not provided any additional information on the health of Dewsbury Town Centre and what existing facilities that the proposal will draw trade from.
- 10.11 Dewsbury Town Centre is in decline, with the latest Council Annual Monitoring Report showing that 94 units were vacant (31.0%) equating to 9,142 sq m of vacant floorspace (23.1%). The applicant has failed to provide any clarification on the impact of existing town centre uses particularly as the Impact Assessment states that:
- “The proposed development can be expected to compete with existing facilities in the town centre although any impact on trade will be distributed and it is considered unlikely that the proposals would impact on any existing facilities to the extent that it would threaten viability”.*
- 10.12 No information has been provided as to what existing facilities the statement refers and as such it is considered that the applicant has failed to fully address the impact of the proposals on the health of Dewsbury Town Centre, and therefore the Impact Assessment cannot be considered to have been passed, contrary to policy LP13 of the KLP and Chapter 7 of the NPPF.

Urban Design issues

- 10.13 The main external alterations to the building would be the changes to the front elevation in the form of a polymer render and the painting of the existing window frames in a grey colour. There would also be the installation of an external staircase to the side elevation which would form a fire escape for the mezzanine level.
- 10.14 These alterations would be minimal and, in the opinion of officers, would help to improve the appearance of the front elevation with a more contemporary design.
- 10.15 Providing the colour of the render is appropriate, details of which can be secured via condition, the proposals, in terms of visual amenity, are considered to be in accordance with the aims of policy LP24 of the KLP and Chapter 12 of the NPPF.

Residential Amenity

- 10.16 The proposed development would be within a mainly business / industrial area, however there are also residential properties close to the site, particularly those on Pinfold Hill which adjoin the car park. There are potential noise concerns therefore from a venue of this type and Environmental Health were consulted.
- 10.17 The initial response was based on the submitted Noise Statement which did not make reference to the residential properties on Pinfold Hill. Further comments were sought with this in mind and a more detailed response received.

- 10.18 The Environmental Health officer has not objected to the proposals however, concerns have been raised based on Environmental Health experience with other similar venues. There is potential for disturbance both from guests celebrating outside of the building and from the significant increase in the volume of traffic using the car park.
- 10.19 A number of standard Environmental Health conditions have therefore been recommended, should approval be granted. These include:
- Entertainment noise inaudibility condition; this would require the submission of a noise report to show that all entertainment noise would be inaudible at properties on Pinfold Hill and Webster Hill.
 - Noise management plan; this would require the submission of a plan which would consider noise from a series of sources which could affect nearby properties and show how this would be managed.
- 10.20 There is also the potential for additional lighting to be installed both for security and for the guests leaving and arriving in the dark; this could also have the potential for disturbance and a condition is suggested requiring the submission of a lighting scheme should planning permission be granted.
- 10.21 The above conditions are considered reasonable in order to address issues of residential amenity and as such the proposals are considered to be in accordance with policies LP16, LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

Landscape issues

- 10.22 The site has very little in the way of opportunities for any landscaping given that most of the ground is either covered by the building or the tarmac car-park. The only space available is the banking onto Webster Hill which already contains a variety of shrubs. This should be retained as it provides some screening between the highway and the venue and has some amenity value. Should planning permission be granted, a condition can be included to this effect and as such the proposals are considered to be in accordance with the aims of policy LP24 of the KLP.

Highway issues

- 10.23 The application involves a change of use of the premises from an electrical wholesalers to a venue for weddings and other celebratory functions. There are no prescribed figures for parking requirements within the Kirklees Local Plan or the Draft Highways Design Guide; neither does National planning policy give such specific guidance.
- 10.24 With a venue of the scale proposed, having a floor area of 826 square metres and up to 400 guests a Transport Statement was required to assess how issues of parking, access and highway safety would be dealt with.
- 10.25 An initial Transport Assessment was submitted with the application along with layout plans which show 34 parking places and a one-way system for vehicles to access from Central Street and leave by Pinfold Hill to the south.

- 10.26 The report concluded that, because of the location the provision of 34 parking spaces would be acceptable and there would be no significant negative impact on the highway network or highway safety.
- 10.27 The Highways Development Management (HDM) officer was consulted and commented that the number of parking spaces has been under-estimated for this type of venue and that there have been parking problems around the site with drivers blocking Pinfold Hill and double parking on Central Street. According to the Council's Highway Safety team, this has required Police intervention on several occasions.
- 10.28 The report does not provide any trip generation information other than what the Council's Highways DM officer has termed "the fundamentally flawed assumption" that because there are 34 parking spaces provided, this proposal would produce only 68 two way trips. The applicant should identify a similar local banqueting suite and carry out a full multi-modal trip generation survey to TRICs standard if possible.
- 10.29 The Council's Highways DM officer is also concerned that the confusing layout and lack of any markers or signs to promote the one-way system may lead to vehicles exiting through Central Street.
- 10.30 It is the Council's Highways officers' assessment that the nature of the venue means that the number of parking spaces should more closely equate to those for a restaurant and as such the requirement would be around 138 spaces which is unlikely to be deliverable in this location.
- 10.31 A further Technical Note 2 was submitted in response to the Highways DM comments. This provides a map and a list of alternative public car parks nearby and on-road parking opportunities. A Parking Management Plan was also proposed.
- 10.32 The Highways DM officer has responded that these car parks are mostly Pay and Display and no account has been taken of additional use on Saturdays. The report does not satisfactorily demonstrate what the trip generation and this parking demand for this type of development would be or that it can be managed without exacerbating the existing parking and traffic issues in the immediate area.
- 10.33 The Parking Management Plan would be welcomed if it could adequately manage the parking demand however no further details have been submitted.
- 10.34 Technical Note 3 was submitted on 2/08/19 in response to the Highways officer comments on Technical Note 2.
- 10.35 Information has been provided regarding the parking demand for the site which states that on Saturday peak demand is likely to be for 92 spaces leaving the site 58 spaces short. Additional survey information suggests that the current level of parking within the nearby car parks and on Central and Wormald Street is lower than during weekdays. According to the submitted Statement this could therefore provide some of the additional parking required along with uncontrolled on-street parking to the north of the site on Wormald Street and Central Street.

- 10.36 An additional plan was also submitted showing vehicle swept paths for a stretch limousine being able to enter the site from Central Street and leave via Pinfold Hill.
- 10.37 Technical note 3 also suggests that, whilst the capacity of the venue would be 400 people this is only likely to happen on Saturday and Sundays with the maximum on Sundays being around 300.
- 10.38 The Highways DM officer has responded and is concerned that there is no evidence provided in the way of trip generation details to support the suggestion that there would be less visitors on Friday than Saturday and Sunday.
- 10.39 Using the applicants own calculations that the car park would be 58 places short, would cause the displacement of these 58 vehicles back onto the local highway network looking for suitable parking. There is concern that many of these vehicles would arrive at the site to try to use the car park which is already full, causing congestion around the site.
- 10.40 Guests using these vehicles are more likely to try to use the free on street parking to the north of the site rather than the town centre pay and display parking. Kirklees Highways Team has received complaints concerning parking issues on these streets with obstruction issues and vehicles failing to obey the one way system on Pinfold Hill. None of the Technical Notes have suitably addressed this issue and the Highways DM officer would not want to see any development in the area which may exacerbate these concerns.
- 10.41. With regard to the proposal for coach drop-off and pick up point, Tech note 3 suggests that this could be done on a section of Central Street, however this space cannot be guaranteed and may lead to coaches dropping off at unsuitable locations such as Pinfold Hill and Huddersfield Road causing obstruction and safety issues. This has not been addressed in the submitted information.
- 10.42 HDM still has serious concerns regarding the parking problems that are anticipated with the proposed development and would not want see the situation arise where there has been reported problems at similar venues both in Dewsbury and other locations in Kirklees. There is nothing in the submitted information that alleviates these concerns and as such, officers have significant concerns on highway operational and safety grounds. The proposal is therefore considered to be contrary to the aims of policy LP16, LP21 and LP22 of the KLP.

Drainage issues

- 10.43 The application is for a change of use to an existing building with all surface water and foul drainage to be retained as existing.

Representations

10.44 Two letters received from same person. The issues raised are summarised and responded to by officers below:

- Accuracy of the supporting information which does not mention houses on Pinfold Hill regarding the impact of noise.
Officer Response: Environmental Health has considered these properties in a Consultation response and has requested conditions should approval be granted.
- The highways Statements fail to address the issues of coach parking and the use of other car parks by 3 other banqueting suites.
Officer Response: This has been considered by the highways officer in his consultation responses to the application and the subsequent assessment of the proposals.

Planning obligations

10.45 The application is of a scale and type which would not trigger any planning obligations. There are no other agreements into which the applicant and the Council have entered.

Other Matters

Air Quality:

10.46 In accordance with the West Yorkshire Low Emission Strategy Planning Guidance, a condition is suggested requiring the installation of electric vehicle charge points in 10% of parking spaces. This can be phased in if required.

Network Rail:

10.47 The building is immediately adjacent to the Trans Pennine railway; Network Rail has raised concerns with the close proximity of the proposed external staircase to the railway boundary.

10.48 As such they have requested a condition, should approval be granted, that a Method Statement is submitted to the Local Planning Authority before any works commence. They have emphasised that this is particularly important in this case.

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 and other material considerations. Whilst the proposals would be acceptable in terms of the visual amenity and could, subject to appropriate conditions, be made acceptable in terms of residential amenity, the applicant has failed to fully address the issues of highway safety, the impact on the operation of the local highway network and the impact of the development on the vitality and viability of Dewsbury Town Centre.
- 11.3 It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Background Papers:

Application and history files -

Application web link:-

2019/90155 <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90155>

Certificate of Ownership – Certificate A signed and dated 18/01/2019

History File:-

91/01520 <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=91%2f01520>