
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

Subject: Planning Application 2017/90823 Installation of new shop front and entrance 54, Calder Road, Lower Hopton, Mirfield, WF14 8NR

APPLICANT

Neil Kapusi, The Design
Shed Ltd

DATE VALID

14-Mar-2017

TARGET DATE

09-May-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: Mirfield

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE

1. The timber cladding proposed to be installed along the entire ground floor frontage would not be in-keeping with the character and appearance of the host dwelling and wider street scene which comprises predominantly of stone-faced properties. To approve the application would be to the detriment of visual amenity and contrary to Policies D2, BE1, BE2, and BE16 of the Kirklees Unitary Development Plan as well as chapter 7 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee for determination following committee requests from Ward Councillors Martyn Bolt and Kath Taylor. Their requests are as follows:-
- 1.2 Cllr Martyn Bolt – *“If you are minded to refuse then on behalf of my constituent and in support of local businesses I would like to ask that the matter is passed to the planning committee for members to make that decision and allow parties to put their case, with a site visit to help. The benefits of a continued business use at the site are, in my view, considered to outweigh the visual amenity concerns which have been raised by Officers”* .
- 1.3 Cllr Kath Taylor – *“Can I request as a Mirfield Ward Cllr that this is a Committee decision please. There have been no objections from residents and other businesses in Lower Hopton with regards to the cladding that the applicant is requesting”*.
- 1.4 The Chair of the Heavy Woollen Sub-Committee has confirmed that Councillors Bolt and Taylor’s reasons for making the requests are valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is no.54 Calder Road, Lower Hopton, Mirfield. This is a prominent building, located at the junction of Calder Road with Waste Lane and Marshall Street. On the opposite side of Calder Road from the application site is the River Calder.

- 2.2 The application site comprises of a traditional end terrace (which was originally two units, nos.54 and 58, but now one unit), in a row of other two storey, natural stone faced properties. There is some existing timber cladding at fascia level (located between the ground and first floor windows), this extends across the frontage with Calder Road and wraps around the building above the existing main entrance and onto the Marshall Street frontage, as well as onto the Waste Lane frontage, where there is another doorway into the premises. There are some high level windows at ground floor level and larger, traditionally proportioned openings at first floor level. The main entrance into the building is located on the corner of the site (at the junction of Calder Road with Marshall Street). There is signage above and on the main doorway.
- 2.3 Within the immediate vicinity, the properties are predominantly faced in natural stone, with other facing materials used sporadically within the wider area.

3.0 PROPOSAL:

- 3.1 The proposal is for the installation of a new shop front and entrance. The proposals involve the enlargement of the high level ground floor windows to each elevation and the re-positioning of the main entrance onto the Calder Road frontage.
- 3.2 The proposals also include the installation of vertical larch timber cladding across the entire ground floor of the building.
- 3.3 New signage is also proposed however, this is being considered as part of a separate advertisement consent, as referenced in section 4 of this report.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2017/90824 – Erection of 3 illuminated signs – Undetermined

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant was advised of the concern of officers during the course of the application. The applicant did not wish to amend the scheme and lobbied the local ward councillors.

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 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.

Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D2** – Unallocated land
- BE1** – Design principles
- BE2** – Quality of design
- BE16** – Shop fronts
- T10** – Highway safety

Supplementary Planning Guidance / Documents:

- 6.3 None applicable

National Planning Guidance:

- 6.4 **Chapter 1** – Building a strong, competitive economy
- Chapter 7** – Requiring good design
- Chapter 10** – Meeting the challenge of climate change, flooding and coastal change

Draft Local Plan Policies:

- 6.5 **PLP1** – Presumption in favour of sustainable development
- PLP2** – Place shaping
- PLP8** – Safeguarding employment land and premises
- PLP21** – Highway safety and access
- PLP24** – Design
- PLP25** – Advertisements and shop fronts
- PLP27** – Flood risk

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the statutory publicity for this application, there have been no representations received from any members of the public.
- 7.2 Ward Councillors Kath Taylor, Martin Bolt, and Vivien Lees-Hamilton, have all been in contact about the scheme.
- 7.3 Councillors Taylor and Bolt has requested a committee decision, for the reasons set out in section 1.0 of this report. Councillor Lees-Hamilton asked to be kept updated.
- 7.4 Mirfield Town Council were notified of the application but no comments have been provided.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – Confirmed ‘no objection’. There would be no steps encroaching onto the footpath as a result of the new position of the main entrance into the premises.

8.2 **Non-statutory:**

K.C. Environmental Services – Suggest the inclusion of conditions relating to the submission of details for any extract ventilation system and any external lighting. A footnote relating to hours of construction is also suggested.

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

Principle of development

10.1 Chapter 1 of the NPPF highlights the importance of “securing economic growth in order to create jobs and prosperity”. The installation of new shop frontages can indeed contribute to this aim by enhancing the appearance of a business premise and encourage more customers to the site.

10.2 In addition to the above, the site has no specific allocation in the UDP. Policy D2 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]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

Urban Design issues

10.3 As set out above, the principle of installing a new shop front is supported by officers. Furthermore, the proposals to change the proportions of the openings at ground floor level, along with the re-positioning of the entrance door, are considered, by officers, to contribute to the visual amenity of the area, and would be consistent with the aims of Policies D2, BE1, BE2, and BE16 of the UDP, as well as chapter 7 of the NPPF.

10.4 Notwithstanding the above, officers have raised concern with the applicant in regard to the proposed installation of vertical larch timber cladding across the entire ground floor frontage. It should be acknowledged that the Post Office building opposite the application site has some areas of timber (e.g. the loading door) and the application site itself has a timber fascia. As such, officers have suggested to the applicant that some element of timber cladding could enhance the visual amenity of the premises, however, the extent of timber cladding being proposed would be, in the view of officers, out of keeping within the street scene (which predominantly comprises of stone faced frontages) and thus, the extent of timber cladding proposed would be harmful to visual amenity, contrary to Policies D2, BE1, BE2, and BE16 of the UDP, as well as chapter 7 of the NPPF.

- 10.5 Following discussions with the applicant, amended plans have not been forthcoming, and ward member committee requests for the application, as originally submitted, have been received, as set out in section 1 of this report.
- 10.6 Taking all of the above into account, the proposals are considered harmful to the visual amenity of the host building and wider streetscene, and to approve the application would be contrary to Policies D2, BE1, BE2, and BE16 of the UDP, as well as chapter 7 of the NPPF.

Residential Amenity

- 10.7 There are no residential amenity issues as a result of the installation of the new shop front and re-positioning of the entrance.
- 10.8 The submitted floor plans show that the basement area would be used for the hand pressing of garments where a dryer, printing carousel, sink for ink mixing and ventilation system are required. Although this use would be considered to be ancillary to the retail use due to the small scale, given the components and need for ventilation of the premises, formal consultation was carried out with the Council's Environmental Services in order to ensure that the proposals comply with the aims of chapter 11 of the NPPF.
- 10.9 Following consultation with the Council's Environmental Services, should approval be granted, a condition has been recommended to be imposed relating to the submission of details relating to an extract ventilation system. In addition, a condition has also been suggested relating to the submission of details relating to the installation of any external lighting in order to ensure that there is no unacceptable glare as are result of such lighting. The inclusion of these conditions would be reasonable, should permission be granted, and would ensure that the proposals would comply with the aims of the NPPF.

Highway issues

- 10.10 The installation of the new shop front and entrance would not result in any highway safety or efficiency implications, complying with the aims of policies D2 and T10 of the UDP.
- 10.11 With regard to the new entrance into the premises, which is proposed to be centrally places along the Calder Road frontage, the proposals have been reviewed by K.C. Highways Development Management (HDM) from a pedestrian safety and efficiency perspective.
- 10.12 As demonstrated on the submitted plans, the proposals do not include the provision of any steps/railings encroaching onto the pedestrian footway along Calder Road. As such, the proposals are considered acceptable from a pedestrian safety and efficiency perspective, complying with the aims of policies D2 and T10 of the UDP.

Drainage and Flood risk issues

- 10.13 A small area of the site falls within flood zone 2. Due to the scale and nature of the proposals, it is not considered to result in any increased flood risk / drainage issues. Furthermore, the proposals fall outside of the scope for consulting with the Environment Agency.

Representations

- 10.14 There have been no representations received from any members of the public as a result of the publicity.
- 10.15 The comments raised by the Local Ward members in respect of the 'planning balance' have been carefully considered by officers. However, officers are of the opinion that the harm that would be caused to visual amenity as a result of the proposed timber cladding would not be outweighed by any potential economic benefits from the proposal. It is the view of officers that a scheme improving the shop frontage can be achieved on this site, but without the extent of timber cladding proposed as part of this application.

Other Matters

- 10.16 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 Taking all of the above into account, officers have significant concern regarding the installation of the timber cladding across the entire ground floor frontage and the detrimental impact this would have upon the visual amenity of the host building and wider street scene.
- 11.2 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration. Recommendation is to refuse the application.

Background Papers:

Application and history files:-

The website link to the application details is included below:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90823>

Certificate of Ownership – Certificate A signed by Mr Neil Kapusi and dated 05/03/2017.

The website link to the advertisement consent is:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90824>