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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 23-Nov-2017**

**Subject: Planning Application 2017/91132 Erection of two storey side extension to form enlarged Class A1 shop at ground floor with A2 office unit and residential flat above Fix It Supplies, 12b, Hillhouse Lane, Fartown, Huddersfield, HD1 6EF**

**APPLICANT**

Mr Toheed Ahmad, Fix It Supplies

**DATE VALID**

03-Apr-2017

**TARGET DATE**

29-May-2017

**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected: Greenhead**

No

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

REFUSE permission

1. The proposed two-storey extension would, by reason of its mass and its position on the highway boundary to Bradford Road, amount to overdevelopment and fail to respect the appearance or character of surrounding development on Bradford Road, which is mostly of domestic scale and set back from the highway boundary. It would therefore be harmful to visual amenity and contrary to the aims of Policies B5 and BE1-2 of the Unitary Development Plan and of the National Planning Policy Framework – “Core Planning Principles” and “Requiring Good Design”.

**1.0 INTRODUCTION:**

- 1.1 This application is brought before Sub-Committee for determination following a request by Ward Councillor Mohan Sokhal, which states: “As a Ward Councillor I am asking that the above application is placed on the Agenda of a meeting of the Planning Sub Committee Huddersfield, so that the visual impact of the proposed extension can be considered. I would ask that Members undertake a site visit before any decision is made.”
- 1.2 The Chair of the Sub Committee has confirmed that Councillor Sokhal’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 12b Hillhouse Lane comprises a single-storey building constructed in brick with a flat roof, which is subdivided into 2 retail units, currently vacant. These were formerly occupied by Eden LED lighting and Fix-It plumbing and electrical supplies (previously Banson Tool Hire). The building is located on a corner site at the junction of Hillhouse Lane and Bradford Road. Vehicular and pedestrian access are taken from Hillhouse Lane which bounds the site to the north. Bradford Road forms the boundary to the east. There are parking spaces laid out on the Hillhouse Lane frontage, further hard-surfacing to the west of the building providing access to a block of four garages at the western end of the site and a further two garages outside the site to the south, or rear. The site also includes a triangular area of unused land consisting of long grass on the Bradford Road frontage which is raised above the highway level and bounded by a stone wall about 1m high.

- 2.2 The wider area is in mixed residential and commercial uses. There are single storey dwellings to the rear, south and west of the site on Halifax Old Road, which are of brick construction. There are also two-storey dwellings on the north side of Hillhouse Lane with a few commercial premises. To the south is another retail unit forming the end of a terrace, while on the opposite side of Bradford Road are two storey terraced units which are of mixed commercial uses with some residential use on the upper floor.

### **3.0 PROPOSAL:**

- 3.1 The proposal is for the erection of a two-storey side extension to the building on the side nearest Bradford Road. It is proposed that this would form a single retail unit at ground floor, and at first floor an office unit (A2 / B1) with a one-bedroomed apartment to the rear. The plans indicate that the first-floor extension approved under permission 2014/93209 would also be implemented.
- 3.2 The proposed extension would, as with the earlier side extension approved as part of 2014/93209, extend up to the highway boundary, replacing the existing stone boundary wall, and would have a gable end facing Bradford Road. There would in addition be a two-storey element extending a further 10m to the rear of the existing building beyond the extension already approved, also along the highway boundary, but with a roof pitching towards Bradford Road.
- 3.3 The ground floor would be a single retail unit, but there would be a residential one-bedroom apartment at first floor in the rear part of the development. The extension would be built in brick with a concrete tile roof. Windows and doors would be aluminium.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2014/93209 – Erection of first-floor and two-storey side extensions. Approved, not implemented.

2015/92782 – Proposed erection of two-storey building with shop at ground floor and office at first floor. Withdrawn because of officers' concerns about overdevelopment.

2017/93581 – Discharge of conditions on 2014/93209. Awaiting determination.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 03-Apr-2017: Amended plan submitted – internal layout for flat changed.  
25-Jul-2017: Additional supporting statement from planning consultant.

## 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.

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

#### 6.2

- **D2** – Unallocated land
- **S1** – Town and Local Centres
- **BE1** – Design principles
- **BE2** – Quality of design
- **B5** – Extensions to business premises
- **T10** – Highway safety

### Supplementary Planning Guidance / Documents:

#### 6.3

PLP 24: Design  
PLP 21: Highway safety and access  
PLP 22: Parking

### National Planning Guidance:

#### 6.4

- Core planning Principles
- Chapter 1 – Building a strong, competitive economy
- Chapter 2 – Ensuring the vitality of town centres
- Chapter 7 – Requiring good design
- Chapter 8 – Promoting healthy communities
- Chapter 11 – Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Three letters of objection (108 Bradford Road, 2 & 6 Halifax Old Road):  
Summary of issues raised:

- Loss of light to garden for 6 Halifax Old Road.
- Privacy (from first floor balcony to 6 Halifax Old Road).
- Safety and access issues during construction including that there is insufficient room for materials storage on site.
- 2 & 4 Halifax Old Road have right of way to rear.
- Insufficient space for deliveries and parking to serve the new developments.
- Inaccuracies in plans and application form – including the address being wrong and the description being misleading.
- It will not improve the area.
- If approved we would hope it will not be food outlets as there are too many on Bradford Road already.

7.2 Three letters of support (104, 143 & 171B Bradford Road). Summary of issues raised:

- It would reduce anti-social behaviour.
- It would improve the appearance of the area.
- It would bring more trade to existing businesses.

### **WARD COUNCILLOR COMMENTS**

7.3 Ward Councillor Mohan Sokhal requests a Sub-Committee decision and site visit:

“As a Ward Councillor I am asking that the above application is placed on the Agenda of a meeting of the Planning Sub Committee Huddersfield, so that the visual impact of the proposed extension can be considered.

I would ask that Members undertake a site visit before any decision is made.”

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

- The Coal Authority – No objections.

## 8.2 **Non-statutory:**

- Highways – Additional parking should be provided.
- Environmental Health – Acceptable subject to conditions.

## 9.0 **MAIN ISSUES**

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

## 10.0 **APPRAISAL**

### Principle of development

10.1 The site is Unallocated on the UDP Proposals Map. Within the NPPF, it will be assessed having regard to the following NPPF Policies:

- “Core planning principles” – Local Planning Authorities should promote mixed use developments and make use of sustainable modes of transport.
- “Building a strong competitive economy” significant weight should be placed on the need to secure sustainable economic growth through the planning system.
- “Ensuring the vitality of town centres” – planning decisions should promote of the vitality and viability of town centres.
- “Requiring good design” – planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments;
- “Promoting Healthy Communities” - advises planning decisions ...should aim to achieve places which promote...safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- “Conserving and enhancing the natural environment” – advises that planning policies and decisions should aim to prevent noise giving rise to significant adverse impacts on health and quality of life, while not placing unreasonable restrictions on businesses.

10.2 The application will further be assessed having regard to the aims of the following UDP Policies:

D2: Development on unallocated land will be granted provided that the proposals do not prejudice [a specific set of considerations];

B5: Proposals for the extension of business premises considered having regard to amenities of neighbouring occupiers, visual amenity and highway safety;

BE1: Development should be visually attractive and create or retain a sense of local identity;

BE2: Development should be in keeping with any surrounding development in terms of design, materials, scale, height and mass;

T10: Development should not create or materially add to highway safety problems;

T19: Development should provide adequate parking having regard to Appendix 2 standards.

- 10.3 The proposed A1 use is deemed to be a main town centre use. At the time of the approved 2014 application for first-floor and two-storey extensions, planning officers' view was that due to the close proximity of the site to the local centre which is within 70m of the application site, and bearing in mind the established retail uses the proposals would not be contrary to the aims of Policy S1 of the UDP or chapter 2 of the NPPF. As the additional retail space now proposed is relatively small, no sequential test is necessary. The principle of B1 use at this site has also been deemed accepted in principle by the previous approval as the site is a sustainable location.

#### Urban Design issues

- 10.4 The premises are situated in an area in which most buildings, especially those fronting Bradford Road, are of domestic scale and proportions and have a yard or forecourt between their own front elevation and the public highway, or at least are set back substantially from it. This applies to 13-19 Hillhouse Lane opposite and to nos. 90-108 Bradford Road.
- 10.5 The approved 2014 scheme involved a side extension coming up to the edge of the Bradford Road boundary. But the current scheme would almost double the length of the frontage compared to what it would look like if the 2014 scheme were implemented, from 11m to 21m.
- 10.6 This would look out of keeping with its surroundings and visually overbearing. This would be emphasised by the underbuild (the building would replace the boundary retaining wall and banking) and furthermore by being built in brick in an area in which stone is by far the dominant material.
- 10.7 It is considered that the proposed development would fail to respect the character of its surroundings and would be harmful to visual amenity, contrary to the aims of Policies BE1 and BE2 of the Unitary Development Plan.

## Residential Amenity

### *Privacy and space about buildings*

- 10.8 141 Bradford Road to the south of the site appears to have living accommodation at first floor. This would have no windows facing directly towards the proposed extension. There is a north-west facing window at upper floor which might experience some loss of light from the east but this would probably not result in much additional impact beyond that which would result from the extension already approved, and it would maintain a relatively open aspect to the west. The other dwelling closest to the site boundary is 2 Halifax Old Road; again this would not have an outlook directly towards the proposed extension and it is considered that it would not be significantly affected. In summary it is considered it would not have an overbearing impact on these properties.
- 10.9 The habitable room windows in the proposed flat would have an outlook towards Bradford Road. They would comply with minimum distances towards 96-104 Bradford Road opposite.

### *Noise*

- 10.10 The proposed flat would be subject to a considerable level of traffic noise from Bradford Road. On the basis of Environmental Health advice it is considered that in the event of an approval, this concern could be addressed by a condition requiring a noise report including noise attenuation measures for the flat. Subject to this it is considered that occupants of the proposed flat would enjoy an acceptable level of amenity.
- 10.11 In conclusion, it is considered that the development would not detract from the amenities of neighbouring properties or land and would accord with the aims of BE12 and D2 in so far as these policies relate to residential amenity.

## Housing issues

- 10.12 The proposed flat would make a contribution towards meeting housing requirements but as it is a single unit and only with one bedroom, only very limited weight can be placed on this benefit.

## Highway issues

- 10.13 The site is located less than 1km from Huddersfield Town Centre and on the edge of Fartown Local Centre. There are frequent bus services on Bradford Road and the location is one that may encourage linked trips. The parking standards set out in UDP appendix 2 are recommended as a maximum, and can be reduced if the development would still be able to function without giving rise to highway safety problems by reason of on-street parking.
- 10.14 Highways Officer's original advice for this application was that an additional 4 vehicular off-street parking spaces should be provided to serve the A1 unit and further parking spaces for the upper floor unit (the number dependant on whether it was to be A2 or B1).

- 10.15 However, this judgement was made without fully taking into account the history of the premises including the previous approval for the first floor and side extension. The current proposal would only add a further 66 square metres of retail space, plus the apartment. This 66 sqm would be in addition to the 270 sqm of retail space and 270 of B1/A1 space that either exists or has planning permission under 2014/93209. This earlier proposal showed the provision of 9 parking spaces along the site frontage within the existing forecourt (although the steps would make it difficult to fit in more than 8 of standard dimensions). This would represent a substantial shortfall based on UDP appendix 2 standards but it was considered at the time that given the location of the site it would be able to function satisfactorily. It is also noted that a small amount of overspill parking could be provided near the western end of the frontages in front of the garage block. The garages are only used for storage so daytime vehicular access to them is not essential.
- 10.16 As the apartment is single-bedroom and located close to the town centre on a main road with a frequent bus service it is considered that it is not necessary to provide dedicated parking for it.
- 10.17 In conclusion it is considered that subject to a condition that all the parking spaces shown on the drawings are provided before the development is brought into use and thereafter retained, the development would not create or materially add to highway safety problems and would accord with the aims of Policies T10 and T19.

#### Drainage issues

- 10.18 It is proposed that surface and foul water disposal is to be by mains drainage. This will presumably make use of the existing mains drainage arrangements for the building and as the development would not significantly add to run-off it is not a major concern.

#### Ecological issues

- 10.19 The site is in the bat alert layer. A bat survey was undertaken at the time of application for the first-floor and side extensions (2014/93209) which found that the building had low to negligible bat roost potential and the Ecology Officer concluded that no further survey work was required. It is considered on this basis that an additional survey would not be justified.

#### Representations

- 10.20 Concerns relating to highway safety and visual amenity have already been examined in the main part of the report but are highlighted here together with other issues raised.

- Loss of light to garden for 6 Halifax Old Road.

*Response:* The proposed new extension would be on the Bradford Road end, away from 2-8 Halifax Old Road and would therefore not give rise to any significant additional impact on these properties.

- Privacy (from first floor balcony to 6 Halifax Old Road).  
*Response:* The current scheme does not incorporate a balcony to the rear, only to the front or north, where it would be approximately 19m away from the nearest dwelling, 19 Hillhouse Lane, and it is considered that this would not materially affect privacy.
- Safety and access issues during construction including that there is insufficient room for materials storage on site.  
*Response:* For a development of this scale it is not normal practice to seek to control the access and parking of construction vehicles and storage of materials on site. The developer will however need the permission of the Council acting as Highway Authority in order to work within the public highway.
- 2 & 4 Halifax Old Road have right of way to rear.  
*Response:* Private rights of access are generally not regarded as a material planning consideration. This would not appear to be affected by the current proposal in any case.
- Insufficient space for deliveries and parking to serve the new developments.  
*Response:* The issue of parking has been examined at length earlier in this report (10.13-10.17). Given the good visibility at the access points and the typical traffic levels on Hillhouse Lane, it is considered unnecessary to require a delivery plan or specified area for deliveries.
- Inaccuracies in plans and application form – including the address being wrong and the description being misleading.  
*Response:* It is considered that the address of the site and the description of the development are both adequate to allow members of the public to gain an accurate idea of the nature and location of the development and to comment on it.
- It will not improve the area.  
*Response:* It is considered that the development would not improve the visual amenity of the area for the reasons set out in paragraphs 10.4-10.7 above.
- If approved we would hope it will not be food outlets as there are too many on Bradford Road already.  
*Response:* The current proposals would incorporate A1, B1 and C3 (residential) use. Hot food takeaways are a separate use class and do not form part of this application.
- It would reduce anti-social behaviour.  
*Response:* The site of the proposed new extension is open to public view on Bradford Road and is unlikely to provide a haven for antisocial behaviour. In the absence of objective evidence, no significant weight can be placed on this factor. The applicant has provided photographic evidence of littering and occasional dumping of large items on the land but at the time of the case officer's site visit there were no clear signs of a littering or fly-tipping problem, and in any case these can be dealt with under other powers if they occur.

- It would improve the appearance of the area.

*Response:* It is considered that the development would not improve the appearance or visual amenity of the area for the reasons set out in paragraphs 10.4-10.7 above.

- It would bring more trade to existing businesses.

*Response:* As the site is within an edge of centre location, the proposed development could encourage linked trips. But the same argument could be made in support of the already approved development 2014/93209 which would, if implemented, result in a large increase in retail and commercial floorspace. It is considered that the harm to visual amenity and the street scene that the new proposal would cause would not be outweighed by the very limited additional economic benefits it would bring.

### Other Matters

#### 10.21 *Coal mining legacy:*

The site is located within a Coal Referral Area owing to the strong likelihood of old underground mine workings being present that could affect the development. A Mining Investigation Report was submitted with the application. The Coal Authority were consulted on this and confirmed that they have no objections to the development.

### **11.0 CONCLUSION**

- 11.1 The proposed development would cause substantial harm to visual amenity and it is considered that this would not be outweighed by the limited additional benefits to the local economy and housing supply.

### **12.0 REASON FOR REFUSAL**

- 12.1 The proposed two-storey extension would, by reason of its mass and its position on the highway boundary to Bradford Road, amount to overdevelopment and fail to respect the appearance or character of surrounding development on Bradford Road, which is mostly of domestic scale and set back from the highway boundary. It would therefore be harmful to visual amenity and contrary to the aims of Policies B5 and BE1-2 of the Unitary Development Plan and of the National Planning Policy Framework – “Core Planning Principles” and “Requiring Good Design”.

### **Background Papers:**

Application and history files.

Website link to be inserted here

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