
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 21-Jun-2018

Subject: Planning Application 2018/90413 Change of use from dwellinghouse to mixed use dwellinghouse and training centre (within a Conservation Area) Thorpe Grange Manor, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA

APPLICANT

A and J Dyson

DATE VALID

28-Feb-2018

TARGET DATE

25-Apr-2018

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: Almondbury

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 complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 The application seeks a change of use from dwellinghouse to mixed use dwellinghouse and training centre.
- 1.2 The application is brought to committee at the request of Local Ward Councillor Judith Hughes. Cllr Hughes has expressed concerns over the proposal's impact on the local highway network.
- 1.3 The Chair of Sub-Committee confirmed that Cllr Hughes's reason for making this request was valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 Thorpe Grange Manor is a detached two storey dwelling faced in stone with natural slate roof tiles. The dwelling has a large garden to the front, hosting several protected trees. The site is accessed to the rear, along a driveway from Thorpe Lane via Thorpe Grange Manor Gardens. To the rear of the dwelling is a detached outbuilding and a separate dwellinghouse, assumed to previously be associated to the main house. The outbuilding is that part of the dwelling proposed for the training centre.
- 2.2 Thorpe Grange Manor previously had larger associated grounds. Some of these now form the residential scheme, Thorpe Grange Gardens. Prior to its current residential use, Thorpe Grange Manor has had various uses approved, including a care home, training centre and restaurant.
- 2.3 The site is within the Almondbury Conservation Area. The surrounding area is principally residential, although Thorpe Lane connects to the village centre of Almondbury.

3.0 PROPOSAL

3.1 The detached outbuilding is to be converted into a workshop, to operate as a training centre (D1 Non-residential institution). External physical works are limited to changing the two garage doors into a wall with windows. The main dwellinghouse, Thorpe Grange Manor, is to remain in a residential use.

3.2 The training centre is to be targeted at mature students and is to teach various vocational skills. These include upholstery, sewing, blind and curtain making. A maximum of 13 students is sought.

3.3 The proposed hours of use are;

Monday / Tuesday: 0930 – 2100

Wednesday / Thursday / Friday: 0930 – 1600

Saturday: 1000 – 1600 (reduced class numbers)

Sunday: Not in use

Classes would operate in two and a half hour sessions, as follows;

0930 – 1200, 1230 – 1500, 1830 – 2100 (Monday/Tuesday)

3.4 Car Parking is to be provided for 17 vehicles. 6 of these are to be within existing surfaced areas of the site. The remaining 11 are to be formed within the front lawn area of the dwellinghouse. The new lawn parking spaces are to be 'tech-turfed', forming a solid base which vehicles can park on that also allows grass to grow through.

3.5 The physical works to the garage and change of use has been implemented, being in operation since 19.09.2017. Currently the hours of use are less than that outlined below, with the following being operated;

Tuesday: 0930 – 2100

Wednesday / Thursday: 0930 – 1500

Monday / Friday / Saturday / Sunday: Not currently in use

4.0 Relevant Planning History (Including Enforcement History)

4.1 Application Site

86/04121: Change of use of existing residential aged persons home to a central training unit – Granted Conditionally

94/90035: Change of use of training centre to residential (one dwelling) – Granted under Reg.4 General Regulations

94/90036: Change of use of training centre to residential institution (class c2) (alternative proposal) – Granted under Reg.4 General Regulations

94/90048: Change of use of training centre to offices (class b1) – Granted under Reg.4 General Regulations

94/91008: Change of use from aged persons home to training centre – Granted under Reg.4 General Regulations

95/92079: Change of use from training centre to restaurant – Conditional Full Permission

2004/93898: Erection of 12 no. Houses and 4 no. Apartments and change of use of restaurant to 1 dwelling (within a conservation area) – Conditional Full Permission

Enforcement

COMP/17/0320: Alleged unauthorised change of use to training centre and retail – Ongoing

Note: This application has been invited to regularise the above breach.

4.2 Surrounding Area

The surrounding area has no relevant planning history.

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

5.1 The parking layout plan was not to an acceptable standard. Officers requested that a technical version be provided. This has been done and now includes details such as swept paths.

5.2 Officers and the applicant have discussed hours of use, as the applicant sought additional hours to those initially proposed to ensure the site remains flexible. Following discussions the hours of use detailed within 3.3 were reached as a compromise.

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.

6.2 On the UDP Proposals Map the site is Unallocated.

6.3 The site is Unallocated on the PDLP Proposals Map.

6.4 The site is within the Almondbury Conservation Area.

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

- **D2** – Unallocated land
- **NE9** – Development and mature trees
- **BE1** – Design principles
- **BE5** – Conservation areas
- **EP4** – Noise (sensitive locations)
- **T10** – highways and accessibility considerations in new development
- **H4** – Conversion of residential property to other uses

6.6 Kirklees Publication Draft Local Plan:

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP11** – Housing mix and affordable housing
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP33** – Trees
- **PLP35** – Historic environment
- **PLP51** – Protection and improvement of local air quality
- **PLP52** – Protection and improvement of environmental quality

6.7 National Planning Guidance:

- **Paragraph 14** – Presumption in favour of sustainable development
- **Paragraph 17** – Core planning principles
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 7** – Requiring good design
- **Chapter 8** – Promoting healthy communities
- **Chapter 12** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice, press notice and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement. The end date for publicity was the 3rd of April, 2018.

7.2 Eight representations were received in objection to the proposal. The following is a summary of the concerns raised;

- There is not enough parking on the site for the use proposed. Vehicles parking close to the junction between Thorpe Lane and Thorpe Grange Gardens would create even more difficulty.
- The proposal would increase traffic on both Thorpe Lane and Thorpe Grange Gardens. There is already an issue of parking on Thorpe Lane, which the proposal would exacerbate.
- Thorpe Lane is narrow and does not have a footpath; visibility is limited in places.
- Thorpe Lane is used by school children.

- Thorpe Lane is used as a 'rat run' to avoid Southgate and by Taxis / Private Hire Cars.
- The training centre will increase noise pollution in the area.
- 17 parking spaces seems 'ambitious' and would make it difficult for emergency vehicles or council Lorries to access the site.
- Thorpe Grange Manor is a lovely house and should remain so.
- The applicant has planted trees along the boundary which have caused overshadowing over neighbouring dwellings.
- The site has been in use for several months, and cars have parked on Thorpe Lane causing the road to be narrowed and impact on safety.
- The area is residential, not business. Operating hours and work should reflect this.

Local Member Interest

- 7.3 Local Ward Member Councillor Judith Hughes expressed concerns with the proposal and requested that the application be determined by committee. Cllr Hughes' concerns principally revolve around highways, due to the restrictive nature of Thorpe Lane. Of particular concern to Cllr Hughes was the use of Thorpe Lane by school children and the potential conflict with drivers.
- 7.4 Local Ward Member Councillor Alison Munro also expressed an interest in the proposal. Cllr Munro provided the following summary;

I am happy with the application for the daytime hours, provided no one parks on Thorpe Lane or in nearby Thorpe Grange Gardens.

There must be a condition that the Gates are kept open during operational hours and are opened at least half an hour earlier than the due start time in a morning.

Finally I have reservations about opening later in the evenings, due to the comments made by a resident who lives down Thorpe Lane.

8.0 CONSULTATION RESPONSES

8.1 Statutory

None required.

8.2 Non-statutory

K.C. Highways: Provided feedback, comments and advise through process. No objection subject to condition.

K.C. Environmental Health: No objection subject to condition.

K.C. Trees: No objection, subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Urban Design issues, including the Almondbury Conservation Area
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable development

- 10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The dimensions of sustainable development will be considered throughout the proposal. Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

- 10.2 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]'

All these considerations are addressed later in this assessment.

- 10.3 Consideration must also be given to the emerging local plan. The site is without notation on the PDLP Policies Map. PLP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

Change of use

- 10.4 Policy H4 establishes a principle against the conversion of residential units, due to the loss of housing stock. However the proposal is to convert a residential outbuilding, with the principal dwelling being retained. Therefore the proposal is not considered to be in breach of H4.
- 10.5 Chapter 1 of the NPPF, B1 of the UDP and PLP1 of the PDLP establish a general principle in favour of economic development and for flexible business practises. Chapter 8 of the NPPF states that '*the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities*'. The proposal is deemed to include a social and educational element, providing training and education facilities for adults.
- 10.6 Weighing the above, the principle of development is considered acceptable. Consideration must be given to the local impact, outlined below.

Urban Design issues, including the Almondbury Conservation Area

- 10.7 Physical works are limited to changing the front elevation of the garage, previously garage doors, to a wall with windows. This could be achieved via 'permitted development rights', and has limited impact on the visual amenity of the area. No works are proposed to the host building.
- 10.8 Car parking includes using existing tarmacked areas around the site. Additional parking is to be located on the lawn to the front of the dwelling. It is to be formed using surfacing that allows grass to grow through, limiting its visual impact. The main visual impact would be the parking of vehicles to the front of the property whilst the training centre is in use. Given, the temporary nature of the parking and the fact that this is not particularly visible from public viewpoints this is not considered harmful.
- 10.9 Officers are satisfied that the proposal would not harm visual amenity or the heritage significance of the Conservation Area. This is giving weight to Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The proposal is deemed to comply with Policies D2, BE1 and BE5 of the UDP, PLP24 and PLP35 of the PDLP and Chapters 7 and 12 of the NPPF.

Residential Amenity

- 10.10 The physical alterations to the garage, replacing a pair of garage doors to windows, will not result in harm to neighbouring residents. The windows face the rear elevation of Thorpe Manor, not 3rd party land. No physical works within the proposal raise no concerns of overbearing, overshadowing or overlooking upon neighbours.
- 10.11 A training facility is not, typically, considered a noise pollutant. However the site is to be used to teach vocational skills and will include machinery (e.g. sewing machines). Thus there is the potential for noise pollution.

- 10.12 Only a single 3rd party dwelling is within close proximity of the site. This is no.20 Thorpe Lane. The site has been in use for over six months, and K.C. Environmental Health have received no noise complaints. Furthermore no objections have been raised from the occupier of no.20. Conversely the proposal seeks greater hours of use to that currently operating. To protect the amenity of no.20 Thorpe Lane's residents, if minded to approve, it is considered reasonable to condition the need for noise mitigation details to be provided and implemented. As the site is in use, it is considered reasonable to require these details to be submitted within 1 month of any approval.
- 10.13 The next closest dwelling, no.3a, is approx. 20.0m from the building, with Thorpe Lane in between. The distance of the site from no.3a, and other neighbouring dwellings, is considered sufficient to negate concerns of noise pollution.
- 10.14 Because of the aforementioned hours of use, and limited number of students which is likewise to be secured via conditions, officers are satisfied that the infrequent coming and goings of users and their vehicular movements would not cause undue harm to the amenity of neighbouring residents.
- 10.15 Consideration must also be given to the amenity of residents of Thorpe Grange Manor. The proposal would introduce students on site, have a business close to the dwelling and replace a garden space very close to the dwelling's front elevation with a car park. A large area of garden would be retained however. Currently the occupier is to operate the business, and in this scenario officers are satisfied that the business would not harm the amenity of the resident. However should the business, or house, be sold on separately to the other, resulting in having an occupier of the dwelling un-associated with the business, this would result in an unacceptable standard of amenity. As such officers proposed a condition tying the business use to the occupation of Thorpe Grange Manor.
- 10.16 Weighing the above, subject to the conditions, officers are satisfied that the proposal would not harm the amenity of neighbouring residents. Therefore the proposal complies with Policies D2 and EP4 of the UDP, PLP24 and PLP52 of the PDLP and Paragraph 17 and Chapter 11 of the NPPF.

Highway issues

- 10.17 The proposal is not to change the site's access arrangements, which are to remain via Thorpe Grange Gardens. No physical development would be situated close to the highway to impact upon driver sightlines or cause distraction to passing drivers.
- 10.18 17 parking spaces are to be laid out within the site. This is to accommodate 13 spaces for students, 3 for residents of Thorpe Grange Manor and 1 additional space. It is proposed to limit the number of students to a maximum of 13 via condition. One parking space per student is considered reasonable, despite the site being a close distance to Almondbury local centre (with public transport links) due to concerns of parking on Thorpe Lane. Subject to 17 parking spaces being provided and a maximum number of 13 students being imposed, securable via condition, officers are satisfied that the site can accommodate all parking and the development will not result in any parking on Thorpe Lane. It is also important to limit class times as proposed by the

applicant. The space between sessions allows time for students of one class to leave before the next students arrive. This would limit the likelihood of congestion within the grounds or along Thorpe Lane.

- 10.19 In terms of layout, the parking spaces are appropriately spaced with swept path analysis demonstrating the practicability of use. Parking spaces within the grassed area are to be formed using 'tech-turf', therefore maintain the greenery while providing acceptable surfacing.
- 10.20 The proposal would represent an intensification of use with increased traffic movements in and out of the site when compared to the residential use. This is a particular concern due to the narrow nature of Thorpe Lane and that it lacks pavements in places.
- 10.21 While 13 parking spaces are to be provided to ensure no parking on Thorpe Lane, given the site's proximity to Almondbury centre public transport is a viable alternative for attendees. The applicant has also stated that 13 students is a maximum number, with classes typically being less. Therefore 13 vehicles in use is not anticipated to be common.
- 10.22 Furthermore vehicle movements will be limited to four peak times per day, with six on Monday / Tuesday. Each peak time would be an approximate 15 minute window where students would either arrive or leave. It is noted that these sessions start and finish outside peak travel times, when roads are anticipated to be less busy. These are;
- 0930 – 1200, 1230 – 1500, 1830 – 2100 (Monday/Tuesday)
- 10.23 The exception to the above is the afternoon session ending at 1500, which is close to school closing time. Almondbury Community School and Almondbury SEN School are within the area. Nonetheless 13 additional vehicle movements circa 400m away from the closest school are not considered to represent a risk to highway safety.
- 10.24 While the proposal would represent an intensification of use, given the limited number of students and the proposed hours of class sessions being outside of peak travel times, on balance officers are satisfied that the development would not cause harm to the safe and efficient operation of the Highway. Therefore the proposal is deemed to comply with Policies T10 and PLP21.

Other Matters

Impact on adjacent protected trees

- 10.25 The site is within a Conservation Area. Therefore mature trees are afforded protection. Further to this there are specific TPOs within the site. Most notably for the proposal, this includes a mature Holly tree within the dwelling's front garden. The proposed parking area is to be close to this tree. No trees are to be lost via the proposal, however consideration must be given to development's impact upon closely spaced trees.

- 10.26 Parking spaces are primarily outside the crown spread of the tree with minimal encroachment. Furthermore the parking spaces are to be formed using 'tech-turf', a grass overlay that is intended to form a usable parking space with no impact upon the tree's roots.
- 10.27 K.C. Trees do not object to the proposal, or the use of 'tech-turf', however they request that an Arboricultural Method Statement be secured via condition. This is to allow for more details on 'tech-turf', and other methods to protect the Holly tree and others potentially impacted upon via the development, to be provided. Subject to this condition the officers are satisfied that the development will comply with the objectives of Policies NE9 and PLP33.

Representations

10.28 *Object*

- There is not enough parking on the site for the use proposed. Vehicles parking close to the junction between Thorpe Lane and Thorpe Grange Gardens would create even more difficulty.
- The proposal would increase traffic on both Thorpe Lane and Thorpe Grange Gardens. There is already an issue of parking on Thorpe Lane, which the proposal would exacerbate.
- Thorpe Lane is narrow and does not have a footpath; visibility is limited in places.
- Thorpe Lane is used by school children.
- Thorpe Lane is used as a 'rat run' to avoid Southgate and by Taxis / Private Hire Cars.

Response: Parking provision is to be improved in site, to be secured via condition to be brought into use within one month. Concerns regarding the use of Thorpe Lane are considered in detail within paragraphs 10.17 to 10.24. While officers acknowledge the proposal would increase traffic movements, given the specifics of the proposal on balance officers conclude the development would not harm the safe and efficient use of the highway.

- The site has been in use for several months, and cars have parked on Thorpe Lane causing the road to be narrowed and impact on safety.

Response: This is noted, however the site has been operating within the benefit of the car park. As detailed previously, if minded to approve, a condition is impose requiring the car parking area to be provided within one month.

- 17 parking spaces seems 'ambitious' and would make it difficult for emergency vehicles or council Lorries to access the site.

Response: officers shared concerns over the initial layout, which was not done to a technical standard. The subsequent technical layout shows that 17 vehicles can be accommodated.

- Thorpe Grange Manor is a lovely house and should remain so.

Response: Thorpe Grange Manor itself will not be impacted upon via the development, and will remain as a dwelling.

- The applicant has planted trees along the boundary which have caused overshadowing over neighbouring dwellings.

Response: This does not form a material planning consideration.

- The training centre will increase noise pollution in the area.

Response: the site has been in use for several months and Environmental Health have received no noise complaints. However the proposal seeks permission for longer hours. As such officers proposed a condition requiring noise mitigation details to be provided.

- The area is residential, not business. Operating hours and work should reflect this.

Response: Hours of use are principally within core working hours. Two days, Monday and Tuesday, seek an 1830 – 2100 session. It is noted that the education centre is to target adults, and therefore some flexibility outside of core working hours is considered reasonable. Subject to appropriate noise mitigation, to be secured via condition, officers considered two evening sessions reasonable.

10.29 *Councillor Comments*

- Local Ward Member Councillor Judith Hughes expressed concerns with the proposal and ultimately requested that the application be brought to committee. Cllr Hughes' concerns principally revolve around Highways, due to the restrictive nature of Thorpe Lane. Of particular concern to Cllr Hughes was the use of Thorpe Lane by school children and the potential conflict with drivers.

Response: These points have been addressed in the appraisal above.

- Cllr Munro: *'I am happy with the application for the daytime hours, provided no one parks on Thorpe Lane or in nearby Thorpe Grange Gardens.*

There must be a condition that the Gates are kept open during operational hours and are opened at least half an hour earlier than the due start time in a morning.

Finally I have reservations about opening later in the evenings, due to the comments made by a resident who lives down Thorpe Lane'.

Response: officers note the comments regarding day time and evening uses. For the reasons detailed in the report above, two evening classes per week is deemed reasonable. Officers concur with Cllr Munro's concerns regarding the gate and such a condition is to be sought.

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 The proposal would provide training facilities for adults, and is anticipated to contribute to a healthy and inclusive community. While making use of a domestic outbuilding, the proposal would not result in the loss of a residential unit. Considering the local impact, officers are satisfied that the development would not harm the character of Almondbury Conservation Area, including protected trees. Subject to appropriate conditions, there are also no concerns relating to the proposal's Highway's impact and impact upon adjacent residents.
- 11.3 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. 3 Year Time Limit
 2. In accordance with plans
 3. Hours of use and class times
 4. Training centre (D1 use) to be only used as described in the application and no other use within Class D1.
 5. Parking spaces to be provided and retained (within 2 months, or use to stop)
 6. Arboricultural Method Statement (prior to parking spaces being provided)
 7. Noise mitigation measures (within 1 month)
 8. Maximum numbers of students
 9. Tied use to occupier/owner of Thorpe Grange Manor and only whilst occupying Thorpe Grange Manor
 10. Gate to be open allowing access to car parking spaces during hours of business/open for the arrival and exit of students.

Background Papers

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90413>

Certificate of Ownership: Certificate B signed

Notice served on 'the occupier' of nos. 1 – 16 Thorpe Grange Gardens