

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/93660/E

Site Address: 68, Daisy Hill, Dewsbury, WF13 1LS

Description: Change of use from office (A2) to 4 flats, installation of rooflights and new windows and doors (within a Conservation Area)

Recommending Officer: Nia Thomas

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 20-Dec-2017

Officer Report

Site Description

The site at 68 Daisy Hill, Dewsbury is a three storey building constructed of stone for the external walls, tiles for the roof, and timber for openings. The site has a shopfront at ground floor level and this unit is currently vacant.

The adjacent buildings are of generally traditional build, some still retaining the sash windows. A number of buildings on this street have now been converted to residential use.

The site is located in the Dewsbury Town Centre Conservation Area. This allocation is the same in the Kirklees Publication Draft Local Plan. The premises are located within close proximity to the Dewsbury Elim Pentecostal Church, which is a listed building, however, the application premises is not listed.

Description of Proposal

Planning permission is sought for the change of use from office (A2) to 4 flats, installation of rooflights and new windows and doors.

Change of use

The change of use from offices to 4 flats over three floors.

Installation of rooflights

Conservation style rooflights will be inserted in the front and rear roofslopes.

Front roofslope – 2 rooflights will be inserted.

Rear elevation – 3 rooflights will be inserted.

Insertion of new windows and doors

The windows in the rear elevation will remain in the same arrangement but the windows will be replaced with new timber windows to be painted in white.

The windows at first and second floor will remain in the same arrangement but the windows will be replaced with new timber windows to be painted in white. At ground floor level, a new door and window opening will be inserted – the design and fenestration of these openings will be the same as the existing openings.

History of negotiations/amendments received

Amendments have been secured relating to the design of the front elevation of the building to ensure that the character of the building is retained and is

more in keeping with the surrounding buildings. The proposals originally included the erection of dormer windows to the front and back however, these were removed during the course of the application.

Relevant Planning History

There have been a number of similar applications along Daisy Hill, some of which are set out below:-

2011/92893 – Change of use and alterations to convert existing first floor offices to 6 flats APPROVED (no. 56-62 Daisy Hill)

2017/92396 – Listed building consent and planning permission for alterations to convert existing commercial premises to 4 flats APPROVED (no. 74 Daisy Hill)

98/93436 – Conversion of shop/living accommodation to 6 no. flats APPROVED (no. 85/87)

Representations

Final publicity date Expires: 12.12.2017

No representations have been received.

Consultation Responses

K.C Environmental Health – no objection subject to condition re noise report (due to noise emitting use to the rear).

K.C Conservation and Design (informal) – no objection subject to re-design of front elevation.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. 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.

The site is designated as being within the Dewsbury Town Centre Conservation Area on the UDP Proposals Map and on the Dewsbury Town Centre Conservation Area on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Conservation Area
- **BE12** – Space about dwellings
- **B4** – Change of use of business premises
- **EP4** – Noise sensitive development
- **H8** – Change of use to residential

Kirklees Publication Draft Local Plan (PDLP):

- PLP1** – Presumption in favour of sustainable development
- PLP2** – Place shaping
- PLP 11** - Housing mix and affordable housing
- PLP 15** - Residential use in town centres
- PLP 18** - Dewsbury Town Centre
- PLP21** – Highway safety and access
- PLP24** – Design
- PLP28** - Drainage
- PLP 35** - Historic environment

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Ensuring the vitality of town centres
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment

- **Chapter 12** – Conserving and enhancing the historic environment

Other documents:

- Dewsbury Design Guide

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is within the Dewsbury Town Centre Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy BE5 of the UDP together with guidance in Chapter 12 of the NPPF.

Chapter 12 of the NPPF states that in assessing an application, consideration needs to be given to the impact of the proposals on the heritage asset; in this case the Conservation Area. As such, paragraphs 132-135 of the NPPF are relevant and a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage assets.

Policy B4 of the UDP is also relevant for the change of use of premises last used for business and industry; any proposals should have regard to a number of criteria including:

- The suitability of the premises for the continued business use;
- Compatibility of the proposed use with surrounding uses;
- The effect on any heritage assets;
- The effect on local amenity;
- The effect on highway safety;

The applicant has submitted some supporting information in the Design and Access Statement which addresses some of the issues raised by the policy. Within this area of Dewsbury it is acknowledged that business premises are struggling and the change to residential/ mixed use is acceptable providing the proposals for the alterations reflect the current use and incorporate shop front details to match those on nearby properties.

With regard to housing policy, the Council is unable to demonstrate a five year supply of available housing land sufficient to satisfy the requirements of the NPPF. Paragraph 49 of NPPF states that if a local planning authority cannot

demonstrate a 5 year supply of deliverable housing sites “relevant policies for the supply of housing should not be considered up-to-date”. Paragraph 14 states that where “relevant policies are out of date” planning permission should be granted unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or

Specific policies in this Framework indicate development should be restricted. (For example, sites designated as Sites of Specific Scientific Interest; land designated as Green Belt, an Area of Outstanding Natural Beauty...etc)

The proposals relate to a building with an original shop frontage at ground level and which appears to have been purpose built for commercial use. The site is located within the Daisy Hill/Bond Street quarter as indicated in the Dewsbury Design Guide. This area comprises a good mix of uses, however there has been a large number of vacant properties, including ground floor businesses, and there is the opportunity to increase this mix of uses and provide further residential development. Many of the premises on Daisy Hill have already been converted to residential use as can be seen by the history of applications in this area and by visiting the site.

The application site is outside of the main shopping area and under current UDP policy there is no requirement for the applicant to promote the business for other service uses in this location. As noted above, information has been submitted which states that the property has been vacant for some time.

On balance, it is considered that, based on the evidence above, the buildings are suitable for residential development, would be compatible with the surrounding land uses (which is not becoming more residential), and as such, the principle of development is acceptable and consistent with the changing character of the immediate area.

2 –Impact on visual amenity and the impact on the conservation area:

Following the receipt of amended plans which show changes to the fenestration and openings on the front elevation, the impact on visual amenity and the Dewsbury Town Centre Conservation Area is acceptable. The front elevation of this building makes a considerable contribution to the character of the conservation area and the streetscene. This character and appearance will remain given the simple amended design of the door and window which replace the shop front.

The openings are located in line with the existing openings and are considered to be appropriate. The balance of the openings is apparent in this front elevation and the remaining shop front will be walled up with natural ashlar stone to match the existing building (a sample of which shall be conditioned).

The openings will be constructed from timber with a painted finish and will be set back in the reveal by 75mm minimum. The rooflights will be slim line and conservation style – a condition has been recommended to this effect.

A condition has also been recommended to ensure that window details are provided to ensure that the traditional character and appearance of this building is retained.

Subject to conditions regarding materials and windows, the proposals are considered acceptable from an urban design and heritage perspective, in accordance with policies D2, BE1, BE2, and BE5 of the UDP, Policies PLP24 and PLP35 of the PDL, and chapters 7 and 12 of the NPPF.

Policy H8 of the UDP specifically refers to the change of use of buildings to residential. This is considered acceptable subject to issues of employment and character of the area, specifically where the proposals affect a conservation area. As previously assessed the alterations would be acceptable and the issue of employment has also been addressed (discussion relating to vacant unit in the principle of development section).

3 – Impact on residential amenity:

Policy BE12 of the UDP sets out suggested minimum separation distances in relation to proposed new dwellings and existing development.

In this instance, the main elevation of the flat would face onto Daisy Hill, across which are premises serving an estate agents at ground floor and a massage and beauty salon at first floor (no. 65), with no. 67 being a vacant building. Although at the time of the site visit, these buildings are not considered to be habitable rooms, this vacant building could be changed into a flat with habitable room windows in its front elevation.

There would be a distance of around 9.5m between the two properties which could result in some overlooking, however this is more likely to occur from passing members of the public as both buildings front directly on to the highway. It is also the case that similar relationships between the opposing buildings and the flats would also occur on the upper floors, however given the constraints of the site and the need to find an alternative and appropriate use for the building, this relationship is considered, by officers, to be acceptable. Taking into account the above, whilst not meeting the all of the specified distances set out in policy BE12 of the UDP, the aims of the policy itself are considered to be met.

With regard to the impact of noise from traffic and the adjacent uses, Environmental Health has been consulted and has not objected to the proposal. However, following an informal consultation following receipt of this response, a condition has been recommended to require a noise report to be submitted showing how the development can be carried out without adversely impacting the future occupiers of the flats. This would also include any noise

from the adjacent wedding venue. The proposal is considered to comply with the aims of policy EP4 of the UDP and chapter 11 of the NPPF.

On balance, it is considered that the proposed change of use will have a limited, but acceptable, impact on residential amenity, and as such is in accordance with policies BE1, BE2, BE12, and EP4 of the UDP as well as chapter 11 of the NPPF.

4 – Impact on highway safety:

The site is located within the centre of Dewsbury and in close proximity to bus and train services, as well as shopping facilities. It is considered a sustainable location whereby no off-street parking is required.

Taking the above into account, the proposals are considered acceptable from a highway safety and efficiency perspective and would accord with the aims of Policy T10 of the UDP and Policy PLP21 of the PDLF.

Bin storage details have been provided on the submitted plan WF/07/P03 and are considered to be acceptable from a Highways perspective, in accordance with policies D2 and T10 of the UDP as well as policies PLP21 and PLP22 of the PDLF.

5 – Other matters:

The proposals are to use the existing drainage with both foul and surface water to mains sewer. This is considered the only viable option for a conversion in this location and the proposal is considered to comply with the aims of chapter 10 of the NPPF.

A condition relating to an electric charging point as requested by environmental health is, in this instance, not applicable. There is no parking area associated with the site.

The applicant's consent has been received relating to the pre commencement condition.

6 – Representations:

No representations have been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2017/93660

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1, BE2, BE5, EP4, and T10 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan, and Chapters 7 and 12 of the National Planning Policy Framework.

3. All rooflights shall be of a conservation style and shall be installed flush with the roofline on first installation and thereafter retained.

Reason: In the interest of visual amenity and to sustain the significance of the heritage asset in accordance Policies BE2 and BE5 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Draft Publication Local Plan, and Chapters 7 and 12 of the National Planning Policy Framework.

4. New windows shall be of timber construction. Mouldings and timber sections shall be of a traditional design and profile to match those that are existing. No works to install new windows shall take place until design and joinery details (at 1/5 scale) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details before the use hereby approved commences and thereafter retained.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset, and to accord with Policies BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan, as well as the aims the chapters 7 and 12 of the National Planning Policy Framework.

5. The facing material used in the development shall be ashlar stone to match that used on the host building in terms of type, size, and colour.

Reason: In the interests of visual amenity and the character of the Dewsbury Town Conservation Area and to accord with Policies BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the

Kirklees Publication Draft Local Plan, as well as the aims of chapters 7 and 12 of the National Planning Policy Framework.

6. All new doors and windows shall be timber/timber framed with a painted finish on first installation and shall be retained as such thereafter.

Reason: In the interests of visual amenity and the character of the Dewsbury Town Conservation Area and to accord with Policies BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan, as well as the aims of chapters 7 and 12 of the National Planning Policy Framework.

7. Before development commences, a report specifying the measures to be taken to protect the development from noise from local commercial premises and road traffic shall be submitted to and approved in writing by the local planning authority.

The report shall:-

- (i) Determine the existing noise climate
- (ii) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development.
- (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In order to protect the amenities of the future occupiers of the flat and to accord with policy in Chapter 11 of the National Planning Policy Framework and EP4 of the Kirklees Unitary Development Plan. This is a pre-commencement condition in order to ensure that appropriate mitigation measures, should they be required, are implemented into the development at the appropriate stage.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped elevations and floor plans (including site plan)	WF/07/P03	A	15.12.2017
Location plan	WF/07/P01	-	24.10.2017
Acoustic details	WF/07/P04	-	24.10.2017
Design and access statement	October 2017	-	24.10.2017
Existing elevations and floor plans	WF/07/P02	-	24.10.2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning

Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments have been secured relating to the design of the front elevation of the building to ensure that the character of the building is retained and is more in keeping with the surrounding buildings.

Report Dated: 20.12.2017